

CONFIDENTIAL

Journal - Office of Legislative Counsel
Tuesday - 26 October 1971

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10. (Confidential - JMM) Met with Bill Woodruff, Counsel, Senate Appropriations Committee, who said that he saw little chance of defeating the amendments to the Foreign Aid bill which concerned us on the floor of the Senate, and felt the best bet would be to amend them in conference with the House.

11. (Confidential - JMM) Called Ed Braswell, Chief Counsel, Senate Armed Services Committee, to say there was confusion over whether the Chairman wanted to see the Director tomorrow afternoon to discuss amendments to the Foreign Aid bill. We agreed that we would bring over to Braswell our suggestions for Senator Stennis' use in this connection by around noon tomorrow, at which time Braswell might be able to clarify the Senator's wishes regarding a meeting with the Director.

12. (Confidential - JGO) Talked to Mr. Ralph Preston, House Appropriations Committee staff, who told me that he will be engaged full time in the next several days in the mark-up of the Defense Appropriation bill and requested that delivery of the safe be delayed for a week or so.

13. (Internal Use Only - JGO) Talked to Lynn Harris, in the office of Representative William Minshall (R., Ohio), who told me that the Speaker's office was unable to confirm the Speaker's dining room for Thursday but that they should know in the morning. As a backup, House Appropriations Committee room will be available in the event the Speaker's dining room should cancel out.

14. (Confidential- GLC) Dorothy Fosdick, Staff Director, Subcommittee on National Security and International Operations, called to say Senator Jackson had asked that she and Charles E. Horner (a recent addition to the Subcommittee staff) get a briefing on the India/Pakistan situation. I checked with [REDACTED] OCI, and made arrangements for us to meet with the staff on Thursday, 28 October, at 3:00 p.m. Miss Fosdick said Horner has DOD top secret clearance (which I confirmed) and we agreed the briefing would not go higher than that level.

25X1A

CONFIDENTIAL

Kuykendall
Landgrebe
Lent
Link
McClure
McDade
McKevitt
Mathias, Calif.

Mikva
O'Hara
Pelly
Roberts
Rosenthal
Runnels
Scheuer
Schwengel

Stanton,
James V.
Steed
Steele
Teague, Calif.
Thompson, N.J.
Widnall

The SPEAKER. On this rollcall 369 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CORRECTION OF THE RECORD

Mr. HARRINGTON. Mr. Speaker, I herewith ask unanimous consent that my remarks appearing on page E10688 of the CONGRESSIONAL RECORD of October 12, 1971, be deleted from the permanent RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

REFUSAL OF UNITED STATES TO SELL PHANTOM JETS TO ISRAEL

(Mr. GUDE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GUDE. Mr. Speaker, the recent statement by Secretary Rogers that the United States will not sell Israel any more Phantom jets at this time is most disturbing. The assertion by the Secretary that Soviet shipments of arms to Egypt have been moderate, does not square with the bellicose language that has been coming out of Cairo lately.

The intent of the administration should not be to pressure Israel into accepting the interim settlement laid down by the Department of State last month. Instead the United States should continue to encourage a negotiated settlement between the Arabs and Israel. No agreement that has been imposed by the big powers will be respected. No peace that has come about through pressure rather than the voluntary settlement of differences will ever last.

The United States has a commitment to Israel—a commitment that has the full support of both the House and the Senate. Our military assistance to Israel should be designed to guarantee them security so that both Israel and the Egyptians will realize that a voluntary agreement is the only possible answer to the Middle East dilemma. We should stop using our assistance to force Israel into concessions that we feel are appropriate, but which could hurt one of our very best friends in the community of nations.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 946, FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow to file a conference report on House Joint Resolution 946, making further continu-

ing appropriations for the fiscal year 1972, and for other purposes.

Mr. GROSS. Mr. Speaker, reserving the right to object, I understand this is the continuing resolution?

Mr. MAHON. This is the continuing resolution which was sent to conference last night.

Mr. GROSS. Has there been any agreement reached by the conferees?

Mr. MAHON. There have been informal discussions but no formal meeting of the conferees.

Mr. GROSS. Mr. Speaker, under those circumstances, I object.

The SPEAKER. Objection is heard.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

The SPEAKER. The Chair requests that the gentleman from Texas (Mr. PICKLE) temporarily assume the chair.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 11731), with Mr. PICKLE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the committee rose on yesterday the Clerk had read through line 9, page 22 of the bill. If there are no amendments to be proposed, the Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$2,358,319,000, and in addition, \$20,000,000 to be derived by transfer from "Research, Development, Test, and Evaluation, Navy, 1971/1972", to remain available for obligation until June 30, 1973.

Mr. GIAIMO. Mr. Chairman, I move to strike the last word.

I wish to take exception to the deletion of \$2.1 million pertaining to the improved CH-53 for the U.S. Navy and U.S. Marine Corps.

There is, I presume, some misunderstanding on this matter because of previous communications from the chairman of this committee and the Under Secretary of Defense, as set forth in the hearings on page 81.

I have researched this matter and it is clear to me that the triservice heavy lift helicopter still is the program supported by all the services, including the U.S. Navy. The U.S. Navy and the U.S. Marine Corps amphibious operations. For their land operations when this helicopter becomes available in 1980. This heli-

copter will be too large for operation from most of the vessels used to support Marine Corps amphibious operations. For this reason, the Navy and Marine Corps require increased helicopter capability for tactical use in amphibious warfare. This is the purpose of their request for the improved CH-53.

The improved CH-53 is to be an advanced version of the present CH-53 now in the Navy/Marine Corps inventory. If developed it would be the largest helicopter, with a payload of 16 tons, that could be operated from ships utilized for amphibious landings.

The improved CH-53 does not represent a technological risk, since most of the components are derivatives of the CH-53 now in operation with the U.S. Marine Corps. May I add that the CH-53 has an excellent record in Vietnam and is used by the U.S. Navy, Marine Corps, and U.S. Air Force.

There should be no question about developing a three-engine version of the CH-53 since the aircraft was originally designed for growth in this manner. Sikorsky helped develop the three-engine Super Frelon built in France and this three-engined aircraft has held the world's speed record for 8 years.

Mr. Chairman, on page 111 of the report the committee deletes the prior year funds available for this program.

I quote from the language of the committee:

The committee feels that it was misled in this affair and wants to very carefully review any other heavy lift helicopter efforts before placing funds in this area.

I would hope that the committee would keep an open mind on this problem, which in my opinion can still be resolved. The fact is I do not believe the Department of Defense misled the committee. It came in here some years ago saying it could develop one heavy lift helicopter to do all the functions. It subsequently developed that the heavy lift helicopter, to be designed and built some time around 1980, can do all the functions for all the services, including many of the functions which the Navy will need, but it cannot be operated from assault ships for Navy and Marine assault-type operations.

It cannot be operated from assault ships for Navy or Marine assault operations. I think it is to the credit of the services that they wrote to the committee in time and explained the problem to the committee and informed it that for these limited assault-shipboard services the Navy needs a smaller helicopter which can be stored on board. By doing this, in my opinion, the services have avoided the pitfalls of a promise such as was made some years ago which led to the great fight over the TFX or the F-111. A promise of a weapons system which was originally designed to perform services for all of the branches of the Armed Forces and was, subsequently, not capable of performing them at all.

I submit that the Navy feels very strong about this program, and I believe it can make an excellent case. I would ask the subcommittee and the chairman of the committee, the gentleman from Texas (Mr. MAHON) if they

November 17, 1971

others who might find themselves in the same position.

To Mrs. Pickett, nothing could better demonstrate democracy in action than the passage of this bill.

I insert in the RECORD the last letter which Mrs. Pickett received from her son:

DEAR MOM: I joined the army because I believed in America. The Army tried to put me in Clerk school, but I told them I wanted to be in the infantry. Then I volunteered for jump school. They asked me to join the pathfinders but at the same time, they told me it meant Vietnam. Knowing this, I again volunteered because I thought I was really doing something for my country. I figured it was better than burning down my school. I will tell you, this being with your friend alive one minute and dead the next takes all the gung-ho-ness out of a person. I've seen some of the guys get sick and throw up when they hear that they have to go out.

I know and they know the war is still on. The tax payers worry about being sure that we only shoot so many rounds per month. Let's fight this war or get the hell out. We're tired of fighting a war with rules, no weapons and a limit in ammo. I feel like the war is something people talk about but never get off their behinds to do anything about it. I think it is time for the silent majority to make some noise. I'm sure if you were crawling through the brush and you couldn't see 5 feet in front of you and you were being shot at, you would make noise in a hurry.

I volunteered to go into the middle of two battalions of NVA along with five other guys to get a body from a crashed helicopter. I'm no hero but all the guys here are the same way, we have a job to do.

Mom, my new job, if you want to know, I did volunteer for it. Someone has to do it. I am the hunter of a hunter killer team and I ride in or pilot a very small helicopter at tree top level until the enemy fires at us then the larger gunships behind us come in to wipe out the enemy. I feel I am doing something for the war effort and maybe hurting some of those people that have hurt my friends.

JANUARY 22

My luck ended on Jan. 22 when my ship was badly shot up. I saw the VC's rifle leaning against a tree and he got to it before I could get to my machine gun but we made it back to base.

FEBRUARY 10

This was another bad day—my luck was pretty good though. We were shot down by mistake by the South Vietnamese and not a scratch.

FEBRUARY 16

DEAR MOM: I feel that I will make it home. I only have 97 days of flying left. Mom, if the army ever comes to tell you I'm missing in action, it only means one thing, I'm dead—they can't find my body. Mom, please don't worry about me because I'm not worried about me. I'll do my best to stay alive but I'm not afraid to die. If I die, I'll be doing it for my country, friends and family so that my brother or friends never have to come over here to see what I've seen—I've seen so much dying. Right now I have a feeling of emptiness like I've never had before without purpose and feel I need something but I don't know what that something is. In other words, I'm a very mixed up kid.

Your loving son,

BOB.

MARCH 1.

DEAR MOM: I have 135 days left before you see me walk through the door. My time is getting short. I haven't much to say. I love you all and miss you very much.

Love,

BOB.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 10604

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 202(1) of the Social Security Act is amended (a) by striking out "or" at the end of clause (2), renumbering clause (3) as clause (4), and adding after clause (2) the following new clause (3):

"(3) If the body of such insured individual is not available for burial, to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid expenses of a burial or memorial service or both and related expenses for such individual (and the Secretary shall by regulations prescribe the criteria for determining when and whether an insured individual has died if, at the time such individual is alleged to have died, such individual was serving as a member of the Armed Forces of the United States and if the body of such individual has not been recovered or"; and

(b) By striking out in the renumbered clause (4) "clauses (1) and (2)" and inserting in lieu thereof "clauses (1), (2), and (3)".

SEC. 2. The amendments made by the first section of this Act shall be effective only in the case of lump-sum death payments under title II of the Social Security Act made with respect to deaths which occur after December 31, 1970.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) the second sentence of section 202(1) of the Social Security Act is amended by striking out "or" at the end of clause (2), by renumbering clause (3) as clause (4), and by inserting after clause (2) the following new clause:

"(3) If the body of such insured individual is not available for burial but expenses were incurred with respect to such individual in connection with a memorial service, a memorial marker, a site for the marker, or any other item of a kind for which expenses are customarily incurred in connection with a death and such expenses have been paid, to any person or persons, equitably entitled thereto to the extent and in the proportions that he or they shall have paid such expenses; or".

(b) The second sentence of section 202(1) of such Act is further amended by striking out "clauses (1) and (2)" in the clause renumbered as clause (4) by subsection (a) and inserting in lieu thereof "clauses (1), (2), and (3)".

SEC. 2. The amendments made by the first section of this Act shall be effective only in the case of lump-sum death payments under title II of the Social Security Act made with respect to deaths which occur after December 31, 1970.

Mr. MILLS of Arkansas (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the committee amendment and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in connection with the bills just passed, and I ask unanimous consent that the authors of the bills may be permitted to extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PERMISSION FOR CLERK TO CORRECT TYPOGRAPHICAL ERROR IN ENGROSSMENT OF H.R. 6065

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that the Clerk may correct a typographical error, in the engrossment of H.R. 6065, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

CORRECTION OF ENGROSSMENT OF H.R. 10729, TO AMEND THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Mr. O'NEILL. Mr. Speaker, I offer a resolution (H. Res. 709) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 709

Resolved, That the Senate be requested to return to the House the bill (H.R. 10729). To amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes, and that the Clerk be authorized to reengross said bill with the following correction:

On page 58, of the engrossed bill, following line 19, insert the text of Sections 3 and 4 as they were passed by the House as part of the bill on November 9, 1971.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. SCHERLE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 396]		
Abbitt	Clausen,	Fish
Alexander	Don H.	Fisher
Anderson,	Clay	Foley
Tenn.	Conyers	Ford,
Ashley	Cotter	William D.
Badillo	Dellums	Forsythe
Betts	Derwinski	Fraser
Blackburn	Diggs	Gallagher
Blatnik	Dowdy	Goodling
Boggs	Downing	Griffiths
Celler	Dulski	Halpern
Chappell	Edmondson	Hillis
Chisholm	Edwards, Calif.	Hosmer
Clark	Edwards, La.	Kee

would keep an open mind in this area and allow the Navy to present their case in a convincing fashion. If so, we could proceed with this program.

Mr. MAHON. Will the gentleman yield?

Mr. GIAIMO. I am happy to yield to my chairman.

Mr. MAHON. The Defense Department came before the committee last fall and convinced the committee that a single heavy-lift helicopter for all of the services would be in order. This seemed like a very attractive idea and funds were appropriated based on this understanding. Subsequently, they had a competition for an all-purpose heavy-lift helicopter. A contractor was selected for that job and only then was the committee told that that helicopter was not suitable for all uses. The gentleman has demonstrated a very deep understanding of the problem confronting the committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is suggested that we ought to have an open mind with regard to the Navy requirements, and I think the position of the gentleman from Connecticut is valid. I think we must keep an open mind in regard to this matter.

No one I know of is set in concrete in connection with what decision should eventually be made in this matter. We recognize that conditions and concepts change.

I know the gentleman from Connecticut, a member of the Committee on Appropriations himself, is quite aware of the various problems involved here, and I am sure there will be some solution to the problem.

I thank the gentleman for raising the issue here.

Mr. GIAIMO. I thank the gentleman.

AMENDMENT OFFERED BY MR. MOORHEAD

Mr. MOORHEAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORHEAD: Page 23, line 20 immediately after "\$2,358,319,000" strike out the comma, and insert in lieu thereof the following: "(of which \$10,000,000 shall be available only for initiating the development of two prototype, light air superiority aircraft, one of which shall not be procured from contractors engaged substantially in either the F-14 or F-15 programs)."

(Mr. MOORHEAD asked and was given permission to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Chairman, the amendment I am offering is a promilitary, pro-Navy amendment. If adopted it means that the Congress is telling the Navy to plan to consider buying a light air - superiority aircraft—something which they do not have and something better than they now have.

The amendment at the same time, however, is critical of the military. Quite frankly, it does not stop the F-14 but it questions the advisability of proceeding much further with the acquisition of the F-14 airplane.

I am not an aerospace engineer nor a cost accountant but I have a keen sense of smell.

The F-14 has a C-5A odor—the smell of cost overruns and performance under-runs.

When I smelled this in the C-5A program I tried to defeat that wasteful program by a direct frontal attack, but I relearned the truth of the political axiom that you can not beat something with nothing.

I think the overly costly and potentially under performing F-14 program should be terminated before more of the taxpayers' valuable dollars are spent on this new military boondoggle.

However, Mr. Chairman, we do not now have an alternative to the Navy's undoubted need for an up-to-date light-air superiority aircraft.

My amendment would set aside \$10 million of the amount appropriated for two prototypes of a light-air superiority aircraft from a very hungry aerospace industry, as an alternative to the very questionable F-14—an alternative which the Armed Services Committees, the Appropriations Committees, and the Congress can consider before we irrevocably commit ourselves to this dubious \$25 billion F-14 venture.

Why the necessity for an alternative? Because even if—and that is a very big if—even if the F-14 should come close to meeting its specifications, it still will be no match for the Soviet's current Mig-23 in either speed, altitude, or maneuverability.

Mig-23's are now flying over Israel with impunity because they can not be reached by our F-4's. Our F-14's or F-15's which have not even been deployed yet, are slower, lower altitude airplanes even if they meet specifications.

To those of my friends, who as I do, support the best for the military, I ask you to vote for the amendment so that we may have an alternative to buying an airplane already inferior in many respects to those the Soviets have already deployed.

To those of my friends, who as I do, oppose waste in military spending, I ask you to vote for this amendment so that next year we can have a reasonable and responsible alternative to this overly-costly and definitely inferior aircraft.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

(Mr. MAHON asked and was given permission to revise and extend his remarks.)

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment.

The gentleman raises a good point, of course, in that we do need to try to develop some lightweight fighter aircraft, less expensive aircraft, and it is for that reason that we have in this bill funds for the development of such a plane. That task has been assigned to the Air Force.

Mr. Chairman, the amount contained in the bill for the prototype development of a lightweight fighter is \$6 million.

There has been no request from the Department of the Navy or the Department of Defense or from the Office of Budget and Management for funds for the development by the Navy of an additional lightweight aircraft.

As we proceed a little further along with the Air Force prototype effort, we would hope that the aircraft development will be successful as to performance

and low cost, and that the plane could be made compatible for both the services at minimal additional cost. Of course, it is too early to know that. It seems to me that a single prototype development effort for a lightweight fighter which is proposed in this bill is enough for us to do at this time. This should also be a more economical approach than initiating two separate and competing Navy and Air Force programs for the development of lightweight fighters.

So, I would respectfully request that the amendment be defeated. I realize the intent of the amendment is in recognition of the fact that we do need lighter weight, less expensive fighters.

We believe we have taken the necessary steps to achieve this goal. It does not seem to me that the inclusion of additional funds, as proposed here, to initiate another lightweight fighter prototype development program is warranted.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New York.

Mr. PIKE. Mr. Chairman, I thank the gentleman for yielding.

The thing that concerns me about this is the language in the amendment which says that they shall not be procured from contractors engaged substantially in either the F-14 or F-15 programs.

Frankly, almost every major contractor engaged in building planes in America today is engaged in these programs to some degree, and if we are going to get planes built by somebody else who is not in the aircraft building business I cannot think of a more wasteful way to proceed. I just do not understand what "substantially engaged" means. It seems to me that the language as set up in this amendment would say that you have to go, if you are going to get a plane developed, to a company that has not been involved in the manufacturing of planes, and I think this would be a very wasteful way to proceed.

Mr. MAHON. I too believe we should not proscribe any contractor. Language to prohibit any contractor from participating in a program would be contrary to usual practice and very dangerous. I would think that the Navy itself, if it had the funds and desired to go forward with this kind of a program, would select contractors who were objective and who did not have conflicting interests. But regardless of that, I think it would be a very bad policy indeed to have this sort of amendment adopted by the House.

I oppose the amendment under all the circumstances, irrespective of the fact that I share the views of the gentleman from New York that a prohibition against certain contractors who might be considered for the contract is not good legislation.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to my distinguished friend, the gentleman from Pennsylvania.

Mr. MOORHEAD. Mr. Chairman, I thank the gentleman for yielding to me. My objective was not to proscribe the contractors for the F-14 and F-15, but the desire to carry on with the prototype because a major part of their work would

of course be with those planes. However, if I could secure the support of the distinguished chairman of the Committee on Appropriations, I would certainly accept an amendment deleting that part of the amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MINSHALL. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I certainly agree with everything the chairman of the full Committee on Appropriations has said in opposition to the amendment offered by the gentleman from Pennsylvania (Mr. MOORHEAD) and I hope that the House will see fit to reject the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MOORHEAD).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 713. (a) During the current fiscal year, the President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interests of national defense.

(b) Upon determination by the President that such action is necessary, the Secretary of Defense is authorized to provide for the cost of an airborne alert as an expected expense in accordance with the provisions of Revised Statutes 3732 (41 U.S.C. 11).

(c) Upon determination by the President that it is necessary to increase the number of military personnel on active duty beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an expected expense in accordance with the provisions of Revised Statutes 3732 (41 U.S.C. 11).

(d) The Secretary of Defense shall immediately advise Congress of the exercise of any authority granted in this section, and shall report monthly on the estimated obligations incurred pursuant to subsections (b) and (c).

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

Mr. CRANE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Eighty-seven Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Abbutt	Derwinski	Kee
Alexander	Diggs	Kuykendall
Archer	Dingell	Landgrebe
Ashley	Dowdy	Link
Bell	Downing	McClure
Betts	Dulski	McDade
Blackburn	Edmondson	McKevitt
Blatnik	Edwards, Ala.	Mathias, Calif.
Boggs	Edwards, La.	Mikva
Brasco	Erlenborn	Murphy, N.Y.
Carey, N.Y.	Fish	Purcell
Celler	Ford, Gerald R.	Rallsback
Chappell	Forsythe	Rangel
Clark	Frey	Rees
Clausen,	Goodling	Roberts
Don H.	Gray	Rooney, Pa.
Clay	Halpern	Rosenthal
Corman	Harsha	Runnels
Cotter	Hébert	Ruth
Daniel, Va.	Hosmer	Scheuer
Danielson	Hungate	Steed

Steele
Stokes
Teague, Tex.

Tiernan
Wilson,
Charles H.

Wolff

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 11731, and finding itself without a quorum, he had directed the roll to be called, when 362 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal. The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the Clerk was about to read the amendment offered by the gentleman from Illinois (Mr. YATES).

The Clerk will report the amendment.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. YATES. Mr. Chairman, had not the Clerk read the amendment, and had I not been recognized when the Committee rose?

The CHAIRMAN (Mr. ROSTENKOWSKI). The Chair will state, in response to the inquiry of the gentleman from Illinois, that the Clerk had not read the amendment.

AMENDMENT OFFERED BY MR. YATES

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 34, line 16, strike the comma and insert the following words: "for a period of 60 days" and reinsert the comma.

And on line 18, change the period to a comma and insert the following words: "and there shall be no further expenditures for said purpose beyond said period without first obtaining the approval of the Congress" and reinsert the period.

POINT OF ORDER

Mr. MAHON. Mr. Chairman, I make a point of order against the amendment.

Mr. Chairman, this bill came to the House under a rule for several reasons, particularly because the authorization bill had not been signed by the President. The section involved here relates to the emergency powers of the President to call up reserve forces and to pay them, and for the Defense Department to provide support. This has been the law in this bill for 10 or 12 years.

This provision has been used by the President on one occasion, and that was in connection with the Berlin crisis in 1961, and that is the only time this provision of law has been utilized.

The gentleman from Illinois says that in the case of a special emergency action which is supported by the Defense Department, that within 60 days after the special action is taken, then Congress would have to meet and approve the action of the executive, or else the privilege of the Department of Defense to support the men called up would be withdrawn.

So, Mr. Chairman, this amendment is very legislative in character and involves a major policy issue relating to our military forces and our foreign policy and it certainly should not be modified under these circumstances.

It is, of course, legislation on an appropriation bill and for that reason is subject to a point of order, as I see it.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. YATES) on the point of order.

Mr. YATES. My amendment is purely a limitation. The purpose of this section of the appropriation bill is to eliminate the need for appropriations for the action that may be taken by the President in calling for troops over and above the amounts that are authorized to be funded under legislation passed by the Armed Services Committees of both the House and Senate and appropriations approved by the Appropriations Committees of both the House and Senate.

This section says that the President need not have to come to the Congress for appropriations for the troops that he calls up. My amendment is a limitation on that waiver and, therefore, as a limitation on the waiver of appropriations, it is in order.

The CHAIRMAN (Mr. ROSTENKOWSKI). The Chair is ready to rule on the point of order.

The Chair first points out that the rule under which this bill is being considered waives points of order against the language in the bill. It is well established that where legislation in a general appropriation bill is permitted to remain, as here, under a waiver of points of order, it may be perfected by germane amendments provided they do not add further legislation.

The question, Does this add further legislation?

In the opinion of the Chair, the amendment is germane and does not add additional legislation since it restricts or narrows the legislative impact of the legislation already in the bill.

The Chair, therefore, overrules the point of order made by the gentleman from Texas.

Mr. YATES. Mr. Chairman, am I recognized?

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. RHODES. Mr. Chairman, a further point of order.

Mr. YATES. Mr. Chairman, I understand the point of order has been overruled.

The CHAIRMAN. The Chair has overruled the point of order of the gentleman from Texas, but the gentleman from Illinois has not yet begun his remarks.

PARLIAMENTARY INQUIRY

Mr. RHODES. Mr. Chairman, a parliamentary inquiry, is not a further point of order in order?

The CHAIRMAN. The Chair will hear the gentleman from Arizona on the parliamentary inquiry.

Mr. YATES. Mr. Chairman, I thought I had been recognized.

Mr. RHODES. Mr. Chairman, a parliamentary inquiry is whether or not a further point of order can be made at this time?

POINT OF ORDER

The CHAIRMAN. The Chair will hear the point of order.

Mr. RHODES. Mr. Chairman, the point of order refers to the fact that this is legislation on an appropriation and not

as to whether it is germane to the bill. Obviously, it is legislation on an appropriation because I asked the Chair to consider the fact that on page 34 of the bill which is before the committee, there is a referral to an act of Congress; to wit, the Revised Statutes 3732 (41 U.S.C. 11).

Mr. Chairman, the amendment of the gentleman from Illinois would amend this act of Congress in that it would provide a provision, or would add a provision, to a law which is not now in existence.

The CHAIRMAN. The Chair will state, in the opinion of the Chair, the amendment offered by the gentleman from Illinois perfects, in a germane manner, legislation which is already in the bill and, therefore, overrules the point of order.

The Chair recognizes the gentleman from Illinois (Mr. YATES) to speak on his amendment.

Mr. YATES. I thank the Chair. Mr. Chairman, frankly I am very much surprised that the Committee on Appropriations should have approved this section and inserted it in the bill because it surrenders to the President the power of Congress to establish troop levels of our armed services and to pay for them.

The Armed Services Committees of the House and Senate go through hearings for months and establish troop levels for the Army, Navy, the Marine Corps, and for the Air Force. The Appropriation Committees of the House sit for months and decide what amount of money should be appropriated to support the troop levels that have been established. This section gives the President the right to supersede their action by his own.

In this section of the bill, the President is given authority without any further action of the Congress to increase the number of military personnel on active duty beyond the numbers for which funds are appropriated in the act, and the Secretary of Defense is authorized to waive the requirement for appropriations in support of the President's actions. Under this section the President's action must be upheld by the Congress. The Congress waives its oversight role over the purse strings.

If that is not the delivery of awesome power to the President I do not know what is. No president, be he Republican or Democrat, should have the power, free from congressional check, that this language gives him.

It is argued, yes, that the President needs flexibility; he needs the authority to act in a hurry. This may be true. But my amendment does not restrict that power. It asserts the congressional power to participate as well.

The President ought not to have such power. It asserts the congressional power not to have that power indefinitely. If he believes that he needs the extra troops he has activated beyond 60 days, he should be required to come to the Congress and justify the need for the additional troops. He can act to meet a situation that requires extraordinary action. Under my amendment he must justify continuation of his action to Congress.

What is wrong with that? Why should not the Congress be a partner, and be

called upon to pass upon these awesome questions of war and peace? The Congress has a concurrent responsibility in this field. Much too frequently in the past the Congress has deferred in its judgment to that of the executive branch. Unfortunately, the President has come to believe that the Congress has no powers in the field of foreign policy. Look what happened—how many of those who voted for the Gulf of Tonkin resolution would like to have their votes back? Almost all of them.

Under this provision the President would not even be required to come to the Congress for a resolution like the Gulf of Tonkin resolution. He could just act arbitrarily. He could just act unreasonably. He could do this without any power in the Congress to check him, except perhaps, by legislation that was initiated by one of the legislative committees of the House.

The purpose of my amendment is to bring the Congress into the picture before we are so overcommitted by the President that it is impossible to extricate ourselves. In this day and age when wars can break out anywhere on the face of the globe, in this day and age when the Armed Forces of the United States may be sent to any part of the globe because the President decides that this should be done in the exercise of our foreign policy, I say that Congress should be given a part in that decision, and at the end of 60 days the President should come in here and ask for the approval of Congress for that kind of action.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. I want to associate myself with the gentleman's amendment and state my approval of what the gentleman has said in support of it. I do not think we in the Congress can defer our responsibilities, and I do not think we should even if we could. If the President deems it necessary to increase the levels of our manpower beyond those fixed by law, for any reason whatsoever, I think he has that responsibility and he must exercise it as he sees fit. But I think we have the responsibility, and we should exercise it, not to simply defer to the President without our having passed our judgment on such a decision.

So I associate myself with the remarks of the gentleman and I hope the Committee will adopt this very reasonable amendment.

Mr. YATES. I thank the gentleman for his remarks.

As Senator Vandenburg said, "it is fine that Congress was in at the launching of an initiative instead of the crash landing."

There will be an amendment offered later today in an effort to change the course of this Nation's action in Vietnam. My amendment proposes to see that Congress is in at the beginning. Let Congress be consulted at the beginning. I urge approval of my amendment.

Mr. GUBSER. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from California is recognized.

Mr. GUBSER. Mr. Chairman, I rise in support of the amendment and commend the gentleman from Illinois for offering it. I do not profess to be a parliamentarian, but it strikes me that the entire section (c) is legislation on an appropriation bill and is subject to a point of order. I presume that the gentleman from Illinois did not make the point of order because he wanted to make it possible for the President to augment forces and to have those forces paid for for a period of 60 days so that Congress, which has the responsibility of setting the force level, could reconvene, if we were out of session, and act in the national interest.

This appropriation bill has a line item limitation of expenditures for payments to military personnel. But section (c) makes what should be a limitation an open ended appropriation. This negates the function of an appropriation bill.

If the President calls Reserves and in order to pay them he must exceed the spending limitations contained in the bill, then Congress should change the limitation by positive action through a supplemental or deficiency appropriations bill.

The gentleman has wisely put in a 60-day provision here to provide for a national emergency. We will probably be here anyway, and if we are not, it is certainly feasible that within 60 days Congress can be called back into session.

I voted for the Gulf of Tonkin resolution, and if I had the benefit of 20-20 hindsight and were asked again to vote on the Gulf of Tonkin resolution which conveyed authority to the executive branch that I did not contemplate, I would not vote for it today. I think it is about time that we took a good look at the powers which we transfer down to 1600 Pennsylvania Avenue—and I do not care whether it is Richard Nixon or a Democratic President.

Mr. Chairman, I ask for an aye vote for the gentleman's amendment.

Mr. STRATTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have discussed this amendment at some length with the distinguished gentleman from Illinois, because of my interest in our troop ceilings as a member of the Committee on Armed Services. The basic question that I think was in the gentleman's mind was whether this section (c) on page 34 confers any new authority on the President to call up additional troops beyond the established ceilings in present law. Of course all that the section specifically says is that it authorizes the President to pay any additional troops that may be called up.

But in order to clarify my own mind, I went to the basic law, which is contained in title III on page 14 of the conference report on the draft. We voted that into law in September. It says in the basic law that it establishes the troop ceilings for the fiscal year beginning July 1, 1971, but, first of all, it makes it clear that these figures are "average" active duty straight personnel ceilings.

That means the Army can go above

974,309 men at one point during the fiscal year provided they bring the number down below that figure later on, so that it averages out at the specific ceiling figure. This is, of course, what we gave in the basic law to the President so that he would have some necessary flexibility. A sizable majority of the House voted for that measure.

Second, the basic law provides in addition to these established ceilings—which can be exceeded temporarily, and somebody is authorized to find money to pay the extra troops on those particular dates—the law specifically exempts from these specified ceilings “members of the Ready Reserve of any armed force ordered into active duty under provision of section 673, title 10, United States Code, members of the Army National Guard or Air National Guard called into active duty,” and so on.

It also provides that the President shall, beginning with the second quarter of the fiscal year “immediately following the quarter in which the first units are ordered to active duty,” the filing of reports to the Congress regarding the necessity for such unit or units being ordered into active duty.

So the only legal authority that exists is this authority which allows the services to go above the ceiling temporarily if they will also go below the ceiling later on, plus the flexibility we also gave the Commander in Chief in the authority to call up our Reserves.

Many Members have been faulting the Department of Defense for not having called up the Reserves. Well this is the only authority the President has to call up the Reserves, and he must report to the Congress in 60 days as to what units he has called up and where they are to be used.

But I do not think we ought to add any additional language here that would require that he has got to come back to Congress for a new resolution when only last September this Congress told the President he could call up the Reserves if he felt an emergency required it.

As I read the appropriation bill, it simply provides the money for paying these additional Reserves who might have been called up by the President in some emergency pursuant to the legislation we passed earlier this year in this Congress.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman's argument totally ignores the language on page 34 to which my amendment was directed.

For the gentleman's information, I reviewed with the staff of the committee the language to determine its scope. We concluded this language permits the President to go above the limits that were established in the basic law to which the gentleman refers.

And the troop levels established for the Reserves are not the limitations under this amendment.

Mr. STRATTON. These staff experts could not repeal a law Congress enacted last September, and this legislation could hardly imply that the President had such authority.

Mr. YATES. Why not?

Mr. STRATTON. Because all that the legislation provides for, as the gentleman well knows, is a means of paying, when statutory levels are temporarily exceeded, for those who are called up pursuant to the authority contained in the language of the Draft Act of 1971, in excess of the statutory limits contained in that bill.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Arizona.

Mr. RHODES. Does not this point up the folly of trying to rewrite a provision of law which is so important and so vital to the welfare of the country and the conduct of foreign relations on the floor? If it is to be rewritten, it should be done after the committee on which the gentleman serves has had ample opportunity to study it.

Mr. STRATTON. I agree with the gentleman and believe it also shows that our committee has done a good job in setting current troop ceilings.

I thank the gentleman for his contribution.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. YATES. The gentleman from New York indicated that this language does not change the basic law. If this section is enacted into law it will change the basic law which establishes mandatory troop ceilings.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I should like to make my statement first, and then if I have time remaining I will be happy to yield.

Mr. STRATTON. The gentleman yielded his time to let the gentleman from Illinois reply to me.

Mr. OBEY. Mr. Chairman, I decline to yield at this time.

I believe this amendment is more important than the Boland amendment, which we will be voting on today. The Boland amendment attempts to correct a mistake after the fact. I am very grateful to the gentleman from Massachusetts for giving us that opportunity.

But this amendment before us now is to prevent future evasions of congressional policy and future erosions of congressional power. It says, really, that the President can do anything he wants relating to the number of men under arms so long as he comes back to the Congress within 60 days and gets approval for it.

This is an attempt to keep to ourselves the power which our forefathers gave to the Congress, which unfortunately we have seemed to be hellbent on throwing away over the past 5 years.

It also relates to something else which I believe anyone interested in a volunteer army ought to consider. I have heard a great many people on this floor talk about the necessity of establishing a volunteer army because of their belief that if we had a volunteer army it would be more difficult in the future to get this country involved in conflicts in which we have no business being involved.

I do not feel that will work at all un-

less it is tied to the idea suggested by the gentleman from Illinois in this amendment; namely, the idea of very strict congressional controls over military manpower. That is all the gentleman from Illinois is trying to do. That is the key, in my judgment, to the eventual success, at least in my mind, of the volunteer army concept.

Whether or not we will be able to maintain in congressional hands strict control over manpower levels is the key. If we do not do that we might as well give the President full authority to do anything he wants to do in international affairs.

The argument is going to be made, against this amendment I suppose that we are really putting ourselves in a very dangerous situation if an emergency comes up internationally. I believe everyone in this House knows full well that 90 times out of 100 the President is going to get exactly what he wants from the Congress. I do not believe there is an inclination in either the Senate or the House, despite all the noise being made right now about Vietnam, to deny the President what he wants in the area of foreign affairs.

But it will give us that one chance in ten, in that one case in ten that requires it for Congress to stand on its own feet. It will give us that chance to exercise some degree of control over the use of our men internationally. We ought at least do that. We can by adopting this amendment.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. STRATTON. I appreciate the gentleman's yielding.

I do not mind arguing substantial issues here on the House floor. Some of us support the military and some of us do not. But this amendment presents a phantom issue. The Congress has already established clear-cut ceilings for the armed services, just last September. The President is not allowed to go over those ceilings except under the conditions which the House itself spelled out clearly only 6 weeks ago.

That is the law. This wording in section C does not repeal that. I defy anybody to come in here with any kind of reliable legal opinion and say that the language beginning on line 12, page 34, of the bill repeals Public Law 92-129. It does not. Obviously it does not.

So to talk here today about how we have to have the Congress set ceilings and not allow the President to go over them is nonsense. We have already set those ceilings. We have told him under what conditions he may exceed them. Let us not do it twice.

Mr. OBEY. Let me respond to the gentleman. I do not agree with him that this has anything whatsoever to do with whether you support the military or not. I happen to represent the district formerly represented by the present Secretary of Defense. I think my people support the military. But I think they also want this amendment.

Mr. YATES. Will the gentleman yield to me?

Mr. OBEY. I yield to the gentleman.

Mr. YATES. The gentleman from New York completely overlooks the language of this bill. Let me read it. This bill would be enacted subsequent to the act establishing the troop ceilings.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. YATES, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. YATES. Will the gentleman yield to me?

Mr. OBEY. I yield to the gentleman.

Mr. YATES. Let me just read this section—I ask the House to note how blanket it is:

Upon determination by the President that it is necessary to increase the number of military personnel on active duty beyond the number for which funds are provided in this Act.

Beyond the number for which funds are provided in this act—the Secretary of Defense, and so forth. This is blanket authority to the President to bring into the services on active duty any number that he wants. There is no restriction; there is no limitation. I do not know what could give him that authority if this language did not do that. I say it would change the law.

Mr. SIKES. Mr. Chairman, I move to strike the requisite number of words.

I yield to the distinguished gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I would just like to point out to the committee and also to the gentleman from Illinois that he has not read this language of the bill very carefully. It reads:

Upon determination by the President that it is necessary to increase the number of military personnel on active duty beyond the number for which funds are provided in this Act.

So the funds in this act are being provided for the ceilings already established by law, the numerical ceilings established, as I have said, by the draft act passed in September. If the President were for a couple of months to go over these average ceilings, in July and August, let us say, then additional funds would be required. This language simply provides the manner for paying the additional people. And when the President then drops the troop totals down in October and November, below that ceiling, the DOD picks up some additional money.

Moreover, if the President decides in an emergency to call up the Reserves, which we gave him just last September, the explicit authority to do under the law and within the limitations of this law, then this language today provides the money to pay those extra Reserves. Do we want the reservists from our home districts, whom we made vulnerable to call in September, to serve without pay?

This section certainly does not repeal the draft act, and it is ridiculous to suggest that it does, it seems to me.

Mr. YATES. Will the gentleman yield to me?

Mr. SIKES. I yield to the gentleman from Illinois.

Mr. YATES. As the distinguished chairman of the Committee on Appropriations pointed out, it was under this section that the President went above the ceilings established by the Congress in 1961. According to the staff of the Committee on Appropriations this bill funds the armed services up to the levels that have been authorized under the military authorization bill that the gentleman from New York spoke about. If this section becomes operative at all, the number of troops will be above the levels established, and I refer to the average levels. Therefore, the President will be exceeding the levels that the gentleman speaks of.

Mr. STRATTON. If the gentleman from Florida will yield to me, the gentleman from Illinois still does not seem to understand that these are average figures.

Mr. YATES. I said average levels.

Mr. STRATTON. You can go above those averages temporarily. But how can the Committee on Appropriations determine today exactly how many men will be on active duty in May, June, and July? I know this is a distinguished and very capable committee, but they do not have a crystal ball. If they are going to pay 974,000 men in the Army, why, we may find ourselves over that figure for a few weeks, and that is all this section provides.

Mr. MINSHALL. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the distinguished ranking minority member on the committee.

Mr. MINSHALL. Mr. Chairman, I should like to commend my friend, the gentleman from New York (Mr. STRATTON), for the comments which he has made.

My friend, the gentleman from Illinois (Mr. YATES), confuses what the basic law, Public Law 92-129, does and what the appropriation does under the basic law. This gives the President the authority to call up the troops.

Mr. YATES. That is right.

Mr. MINSHALL. All this does, at page 34 of the bill, is to give him authority to pay those troops.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Illinois.

Mr. YATES. I read the language of the bill, Mr. Chairman. The bill is subsequent to the act to which the gentleman from New York referred. It reads as follows:

Upon determination by the President that it is necessary to increase the number of military personnel on active duty beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an accepted expense in accordance with the provisions of Revised Statutes 372.

This can only refer to exceeding those troop levels under the military authorization bill and, under this language the President can go as high as he wants to go. The sky is the limit, and under the provisions of this bill the Congress would lose its constitutional authority to set the funds for the services.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

(Mr. MAHON asked and was given permission to revise and extend his remarks.)

Mr. MAHON. Mr. Chairman, there seems to be considerable misunderstanding as to the amendment which is pending.

This provision on page 34 has been the law for 10 years or more. It enables the President to pay the people who are called into service as the result of an emergency. And, why should they not be paid. Why should they not be paid as long as they are serving?

We just provide here that they shall be paid. The language is easy to understand if you read it with care—

Upon determination by the President that it is necessary—

This does not say he has the authority. It just says:

Upon determination by the President that it is necessary to increase the number of military personnel on active duty beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel—

In other words, if the Congress has authorized the Department of Defense to have 2 million men in the service, and the President calls up some additional men, then they can be paid. That is what this provides for here.

We have talked about the Berlin crisis. The President did not have to have any authority with respect to calling up the number of men. The callup was not the problem. The men were called up under existing authority.

The language in the appropriation bill simply provided that the Secretary of Defense could pay those people even though the appropriation for that year was not sufficient to pay them.

The language of the bill makes it possible for him to do that today.

If the President calls men up, this language provides that they can be paid.

Mr. Chairman, I regret to see a basic change of our law made upon such short notice.

It has been said that if someone had known what the implications were on the Tonkin Gulf resolution, he would not have voted for it, because it was not thoroughly explored and examined. This is exactly what is happening here now.

The amendment offered provides that if the President has the authority and does call up people, he can pay them, but he cannot pay them beyond 60 days.

Mr. Chairman, this is not the way to decide the great policy question as to the power of the President to use the Armed Forces of the United States. If we want to settle that issue, we ought to have extensive hearings. The Committee on Armed Services should bring forward legislation and let us debate it in detail, if we are going to try to restrict the President.

What this bill provides is that if men are called up—and they cannot be called up unless it is according to law—they can be paid.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I will yield in a moment if I have the time.

So, Mr. Chairman, it seems to me that

this is a condition that should be thoroughly explored by the legislative committees and then, if need be, legislation could be brought up.

If Congress wants to deny the President the authority to call up additional men in an emergency, let them do it in the proper way. That is not the issue here.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Chairman, the portion of this amendment which particularly disturbs me is the 60-day limitation. It is only in rare instances that Congress works that fast. We might not even be in session. I think it would be difficult and it might be impossible to operate under a 60-day limitation during an emergency situation.

Mr. MAHON. If Congress were in session we still could not deny paying people who have been called into service. The Congress might deny the President certain emergency powers, but it certainly could not deny the pay for the people who have been called up. And that is what we are dealing with here. This is an appropriation bill.

Mr. Chairman, I ask that the amendment be voted down.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Illinois (Mr. YATES).

Mr. Chairman, there is nothing in the amendment offered by the gentleman from Illinois (Mr. YATES) that contradicts anything that has been said by the distinguished chairman of the Committee on Appropriations. The chairman says that the President ought to have a free hand to increase the authorized strength of our troops and if such increase is made, the bill provides funds to pay these extra troops. Of course the extra troops have to be paid and this amendment does not prohibit this. It merely provides that if the President decides to keep these extra troops on active duty for more than 60 days, he must seek approval from Congress.

The gentleman from New York would have you believe that the problems of extra troops is one of these little bookkeeping things that happens every now and then because you cannot precisely predict how many men you will have in the service at any given time, and when they go over the limitation those men ought to be paid. Nobody quarrels with that, nor does this amendment quarrel with that in any way.

What this amendment says is that if the President decides to keep these extra men more than 60 days he will have to come before the Congress and ask for that permission.

There is nothing in this amendment that in any way disturbs the President's constitutional rights as Commander in Chief. All it says, if you are going to keep these men in for a period beyond 60 days you have to come to the Congress to get the authority.

Too many people in this country have the idea that Congress is an adjunct of the executive branch of the Government. There is reason for that belief. We in Congress pass bills that are completely rewritten when the executive branch gets through with them with their guidelines and their interpretation. You are seeing this happen now in the price and rent freeze. If you look at the Price Stabilization Act, there is no authority for many of the things that are being ordered by this administration. The order of ignoring legislative intent has become a hallmark of the administration and that when I believe we must write limitations into this bill or suffer the prospect of more Vietnams.

I agree with the gentleman from Wisconsin that this is an extremely important amendment.

Mr. Chairman, I remember when our distinguished Speaker made his inaugural speech when he took office as the Speaker. He called upon Members to help him restore to the Congress its rightful role as a coequal branch of the Government; not a rubber stamp or an adjunct of the executive branch of the Government, but its constitutional role as a coequal branch of Government. I think that a vote for this amendment will give us an opportunity to reassert the coequal status of the Congress of the United States on these vital issues.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I agree with the statement by the distinguished chairman of the Committee on Appropriations when he said the President does have the power to call up these troops, and all this section does is to provide them with payment. But that is the point; what the Committee on Appropriations is doing in this situation is waiving the congressional right of oversight on payment for these troops. That is the constitutional role of Congress and ought not be surrendered.

According to the argument made by the gentleman from Texas, if the President calls up the troops under this section, he would be authorized to call them for this fiscal year, without having to come to Congress on payment for them.

Mr. amendment says if the President does it that the troops are going to be paid for 60 days. If the President wants the troops to be paid beyond that time, he must come to Congress and tell the Congress why he thinks the troops should be kept on beyond that date, let the Congress decide whether or not they ought to be paid beyond that point.

Mr. PUCINSKI. May I remind the House that the last strength we have as a coequal branch of Government is the power of pursestrings. Do not deal that power away. I believe the amendment the gentleman offered here in no way disturbs the executive branch's power.

Mr. Chairman, I would make the same argument if there were a Democrat in the White House. This has nothing to do with partisan politics. What this does is to try to establish in the Congress its

coequal responsibility on these very vital and important issues.

Mr. SEIBERLING. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I wish to associate myself with the remarks of the gentleman from Illinois.

If you go back to the origin of modern parliamentary institutions in the 17th century, the power of parliament was established because of its power over the purse. I think the gentleman from Illinois has put his finger on the key to this whole problem of stopping the erosion of congressional power toward the executive.

If we do not preserve the power of Congress to control the executive in the expenditure of money, we have given up the substance of our power.

I have listened to distinguished lawyers, the gentleman from Texas and the gentleman from New York, make some very persuasive arguments that all this does is to give money in case the President decides to go above the limits set by law on the size of the armed forces. But that is the very point, gentleman—every time we give up any of Congress power to control the expenditure of money, we give up some more of the basic power of Congress.

I did not come to this House to abandon more of Congress power to the executive, but to try to help bring back power to this institution. I think the people of this country want us to do that. We have an obligation to do so if we are going to discharge our responsibility under the Constitution. I am happy to associate myself with what I consider to be one of the most important amendments that has been offered since I have been a Member of this House.

Mr. RHODES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I will not take the 5 minutes, but I want to make one point and will try to make it as clearly as I possibly can.

First. This provision of the law refers only to the calling up of Reserves and payment of the Reserves who are called up.

Second. When you look at the record—no war, no police action ever started with the calling up of Reserves. There has not been any such occurrence in the history of the United States. If the gentleman from Illinois is looking for a panacea to stop wars, and I wish him luck, he has zeroed in on the wrong target.

Third. The President of the United States, whoever he may be, should have the authority to call the Reserves in the event war threatens. Sometimes just having this authority allows a President to deter war.

I take you back to the days of 1961 when President Kennedy had the authority and did call up the Reserves in the Berlin situation. I do not have much doubt in my mind that the ability of the President at that time to do what he did had more to do with stopping the possibility of war in Germany than anything else.

Mr. Chairman, this is not the time to tamper with legislation that has had as important a history as has this proviso,

which has been in the law for 10 years. The time to change this legislation, if it is to be changed, is when the Committee on Armed Services of the House which has the legislative authority has had a chance to have hearings and then to act intelligently in this matter.

I certainly hope we will not play games with the defense of our country by voting for this kind of amendment. I ask that the amendment be voted down.

Mr. HATHAWAY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, as the gentleman from Arizona said, I have taken a great deal of time on this amendment, rightly so, I believe because I am convinced of its importance.

The gentleman is entirely wrong when he says that this amendment applies only to the Reserves. The gentleman has obviously failed to look at the language of this section. It could not be more clear.

Section (c) states:

Upon determination by the President that it is necessary to increase the number of military personnel on active duty . . .

The President could take them from the Reserves, yes, but he also can take them from the drafted men just as well. He can increase the size of the draft and take draftees. He does not have to go to the Reserves in this kind of situation any more than the President did when he went into Vietnam. At that time he did not call the Reserves.

If there is a trouble spot somewhere in the world to which the President thinks the Armed Forces should be sent in an emergency situation, he can increase the number of draftees or call up the Reserves or do both. Under this section the power of Congress to supervise the number of military personnel would be waived indefinitely.

My amendment says, Mr. Chairman, "Mr. President, you can do it for 60 days, but beyond that you have got to come to Congress and have your action reviewed if you want your funds."

Mr. HATHAWAY. Mr. Chairman, does the gentleman from Texas wish me to yield?

Mr. MAHON. Mr. Chairman, will the gentleman yield to me for a unanimous-consent request?

Mr. HATHAWAY. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close at the conclusion of the address of the gentleman who is now addressing the House.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. ROUSSELOT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. HATHAWAY. I yield to the gentleman from Arizona.

Mr. RHODES. The words "active duty" on line 14 of page 34 are controlling. You

do not recall draftees to active duty. They are either on active duty or they are out of the service. Obviously this provision does not refer to draftees. It refers only to members of the armed services, either in the Reserves or the Regular Forces.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. HATHAWAY. I yield to the gentleman from Illinois.

Mr. YATES. I have the impression that there are many draftees who are on active duty, having been drafted into the Army of the United States. They are on active duty and they can be used.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HATHAWAY. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I rise in support of the amendment and would like to make the point that if there is a really important emergency, there is no reason the Congress cannot act to appropriate the necessary money within 60 days.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. HATHAWAY. I yield to the Chairman of the committee.

Mr. MAHON. Mr. Chairman, I propose to offer a motion that all debate close, but I do not want to take the gentleman off his feet. When he has concluded, I shall address the Chair.

Mr. HATHAWAY. Mr. Chairman, I rise in support of the amendment and endorse the many cogent arguments that have been made in support of it. I do not think we are fulfilling our constitutional responsibility unless we do follow the gentleman from Illinois, and I urge the committee to support his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. YATES. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. YATES. Mr. Chairman, I demand tellers with Clerks.

Tellers with Clerks were ordered; and the Chairman appointed as tellers Messrs. YATES, MINSHALL, MAHON, and GUBSER.

The Committee divided, and the tellers reported that there were—ayes 183, noes 210, not voting 38, as follows:

[Roll No. 398]

[Recorded Teller Vote]

AYES—183

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Aspin
Badillo
Baring
Barrett
Begich
Bennett
Bergland
Biaggi
Blester
Bligham
Blanton
Boland
Brademas

Brasco
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burke, Mass.
Burton
Carey, N.Y.
Carney
Chisholm
Clay
Collier
Collins, Ill.
Conte
Corman
Crane
Culver
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza

Dellums
Denholm
Dennis
Dingell
Donohue
Dow
Drinan
du Pont
Dwyer
Eckhardt
Edwards, Calif.
Elberg
Esch
Evans, Colo.
Foley
Ford
William D. Forsythe
Fraser
Fulton, Tenn.
Fuqua

Galifianakis
Gaydos
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Gross
Gubser
Gude
Haley
Hall
Hamilton
Hammer-schmidt
Hanna
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Horton
Howard
Hungate
Hutchinson
Ichord
Jacobs
Jones, N.C.
Karth
Kastenmeier
Kazen
Keith
Kemp
Kluczyński
Koch
Kyl
Kyros
Leggett
Long, Md.

McCloskey
McCormack
McDonald, Mich.
McKay
McKinney
Macdonald, Mass.
Matsunaga
Mazzoli
Melcher
Metcalfe
Miller, Ohio
Minish
Mink
Mitchell
Moorhead
Moss
Murphy, Ill.
Nedzi
Obey
O'Hara
O'Konski
O'Neill
Patten
Pepper
Pike
Podell
Preyer, N.C.
Fryor, Ark.
Pucinski
Quie
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Robinson, N.Y.
Rodino
Roe
Roncallo
Rooney, Pa.

Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Scheuer
Schmitz
Schwengel
Scott
Seiberling
Shipley
Smith, N.Y.
Snyder
Stanton, J. William
Stanton, James V.
Steele
Steiger, Wis.
Stokes
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerdin
Vander Jagt
Vanik
Walde
Whalen
Wilson, Charles H.
Wolf
Wyder
Wyman
Yates
Yatron
Zwach

NOES—210

Abernethy
Albert
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Bell
Bevill
Bolling
Bow
Bray
Brinkley
Brooks
Brotzman
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burleson, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clawson, Del.
Cleveland
Collins, Tex.
Colmer
Conable
Coughlin
Daniel, Va.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dent
Devine
Dickinson
Dorn
Duncan
Edwards, Ala.
Erlenborn
Eshleman
Evins, Tenn.
Fascell
Findley

Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Frenzel
Frey
Gallagher
Garmatz
Gettys
Glamo
Goldwater
Griffin
Griffiths
Grover
Hagan
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hays
Heinz
Henderson
Hillis
Hogan
Hollifield
Hosmer
Hull
Hunt
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Tenn.
Keating
King
Kuykendall
Landrum
Latta
Lennon
Lent
Lloyd
Long, La.
Lujan
McClary
McCollister
McCulloch
McEwen
McFall
McMillan
Mahon
Mallard
Mann
Martin

Mathis, Ga.
Meeds
Michel
Miller, Calif.
Mills, Ark.
Mills, Md.
Minshall
Mizell
Molohan
Monagan
Montgomery
Morgan
Morse
Murphy, N.Y.
Myers
Natcher
Nelson
Nichols
Nix
Passman
Patman
Pelly
Perkins
Pettis
Peyser
Pickle
Pirnie
Poage
Poff
Powell
Price, Ill.
Price, Tex.
Purcell
Quillen
Rallsback
Rarick
Rhodes
Robinson, Va.
Rogers
Rooney, N.Y.
Ruth
Sandman
Satterfield
Saylor
Scherle
Schneebell
Sebellus
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Spence
Springer
Staggers
Steiger, Ariz.

Stephens	Thone	Williams
Stratton	Veysey	Wilson, Bob
Stubblefield	Vigorito	Winn
Stuckey	Waggonner	Wright
Sullivan	Wampler	Wyatt
Talcott	Ware	Wylie
Taylor	Whalley	Young, Fla.
Teague, Calif.	White	Young, Tex.
Teague, Tex.	Whitehurst	Zablocki
Terry	Whitten	Zion
Thompson, Ga.	Widnall	
Thomson, Wis.	Wiggins	

NOT VOTING—38

Abbutt	Cotter	Landgrebe
Alexander	Derwinski	Link
Ashley	Diggs	McClure
Belcher	Dowdy	McDade
Betts	Downing	McKevitt
Blackburn	Dulski	Madden
Blatnik	Edmondson	Mathias, Calif.
Boggs	Edwards, La.	Mayne
Celler	Fish	Mikva
Chappell	Goodling	Mosher
Clausen	Halpern	Roberts
Don H.	Helbert	Runnels
Conyers	Kee	Steed

So the amendment was rejected.

(By unanimous consent, Mr. BARING changed his vote from "not" to "aye".)

Mr. WRIGHT. Mr. Chairman, I move to strike the last word.

(Mr. WRIGHT asked and was given permission to revise and extend his remarks.)

Mr. WRIGHT. Mr. Chairman, I rise in support of this appropriation bill. The committee is to be congratulated for having brought to us a well-balanced program for the necessary level of national defense.

Particularly do I wish to congratulate the committee for having included sufficient funds for continued production of the F-111 fighter-bomber. The amounts included in the bill will permit the continued acquisition of this vitally important aircraft at the rate of 12 per year and keep the production line open.

Since certain comments were made on the floor yesterday which reflect an uninformed view of this extremely important program, I take this time primarily to set the record straight with respect to certain significant facts.

First, of course, is the question of the safety record of the F-111. Contrary to misconception shared by some of the press and incredibly, by even some few in this body, the F-111 is the safest military aircraft we have built in this country since the early 1950's.

Let me repeat that statement: The F-111 is not only one of the safest, but is the very safest military aircraft we have built in the past 20 years.

Let me give you this comparison on the number of major accidents suffered by each of the following aircraft at 125,000 hours of actual flight.

The F-100 had 108 major accidents.
The F-104 had 90 major accidents.
The F-4 had 60 major accidents.
The F-102 had 59 major accidents.
The F-101 had 59 major accidents.
The F-105 had 58 major accidents.
The A-7 had 42 major accidents.
The F-106 had 39 major accidents.
The F-111 had 22 major accidents at 125,000 hours of flight—the safest of all.

In the number of aircraft destroyed during the first 125,000 hours of actual flight, the story is very much the same.

There were 52 F-100's destroyed.
There were 62 F-104's destroyed.

There were 25 F-4's destroyed.

There were 28 F-102's destroyed.

There were 31 F-101's destroyed.

There were 40 F-105's destroyed.

There were 40 A-7's destroyed.

There were 18 F-106's destroyed.

There were 18 F-111's destroyed.

We are talking here of equal operations, noncombatant in character, and it can be seen clearly that the F-111 on balance is as safe or safer than any other military aircraft we have developed in the recent past.

Something was said yesterday—perhaps of a facetious intent—to the effect that these planes do not fly. The statement was made, though I cannot believe that it was seriously made, that most of them are grounded. This is absolutely untrue.

The Air Force has accepted 375 of these aircraft and of that number at least 350 are operational and in flight today. These include some in the 20th Tactical Fighter Wing at Upper Heyford, England.

The pilots and commanders of that wing are high in their praise of the performance of the F-111. There is certainly a continued requirement for this aircraft, since it is the only long-range, high-speed, penetrator in production in the free world.

The Soviets are increasingly improving their position vis-a-vis the United States in strike force capability.

Of course, we hope to have the B-1 in production and operational numbers perhaps by 1980. But what about the interim? The F-111 is the only hedge against technical, political, or cost problems that might cause an unforeseeable delay in getting the B-1 in operational numbers.

For all of these reasons, the committee is to be thoroughly congratulated for having demonstrated the vision to insist upon continued production of the F-111, and it is clear that the Congress supports this decision.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 744. None of the funds in this Act shall be available for the induction or enlistment of any individual into the military services under a mandatory quota based on mental categories.

AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOLAND: On page 48, immediately following line 7, add the following new section under title VII:

SEC. 745. In line with Title VI of the 1971 Military Procurement Act calling for termination of all U.S. military operations in Indochina at the earliest practicable date and for the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners and an accounting for all Americans missing in action, and notwithstanding any other provisions in this Act, one of the funds appropriated by this Act shall be used to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos, or Cambodia, after June 1, 1972.

(Mr. BOLAND asked and was given

permission to revise and extend his remarks.)

Mr. BOLAND. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. HALL. Mr. Chairman, reserving the right to object, I suggest that the gentleman make that request at the end of his first 5 minutes.

Mr. BOLAND. Mr. Chairman, I withdraw the unanimous-consent request.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes in support of his amendment.

Mr. BOLAND. Mr. Chairman, there are many in the Chamber who will say that "We have been here before." Not quite. This is a totally different amendment than has been offered to any bill in the years that I have been here since we have been engaged in Vietnam. It is the toughest and the hardest amendment and probably one of the most difficult ones to vote for on the part of all Members in this body. But, this is a hard and a tough war and it requires some hard and some tough answers and some hard and some tough action.

Mr. Chairman, in opening the debate on this bill yesterday, the distinguished gentleman from Texas, my beloved chairman of the full Committee on Appropriations, stated:

It seems that we are in somewhat of a frenzy to withdraw.

The simple fact, Mr. Chairman, is that the majority of the American people want us to withdraw and want a terminal date. There is nothing frenetic about their desires.

Mr. Chairman, for most of the past decade they have believed our leaders to the effect that the end was in sight; that just a little bit more pressure and a lot more bombing would bring about an end to this tragic war. It has not happened and the support and the patience of the American people continues to erode until now today 75 percent of the American people are opposed to the war in Vietnam and want a termination date.

The Chairman yesterday compared the war in Vietnam to World War I, World War II, and the Korean war.

He said that we did not withdraw in these wars, and he contended that a precipitous withdrawal from Vietnam could create a vacuum.

I simply respond, Mr. Chairman, by paraphrasing a favorite line of our beloved colleague, the gentleman from New York (Mr. CELLER) that World War I, World War II, and even the Korean war, are as different from the Vietnam war as a horse chestnut is from a chestnut horse, and as night is from day, and as water is from fire.

With regard to Korea, he said, "We kept our fighting forces at their posts so that we would not lose the fruits of victory."

That is what he said. Well, if he really believes that there are or will be any fruits of victory in Vietnam he surely must stand almost alone in this opinion.

Mr. Chairman, the amendment I have introduced provides that funds shall not be used to finance any military or support operations by U.S. forces in or over Indochina after June 1 of 1972. Its purpose is twofold. First, it offers a real chance, the first real chance, to bring this conflict to a close after almost a decade, after almost 10 years of U.S. involvement in Southeast Asia.

Second, it seeks to obtain within the next 6 months the release of all American prisoners, and an accounting for those men missing in action.

My amendment is designed to implement and to carry forward the provisions of the compromise Mansfield amendment now found in title VI of the Military Procurement Act, which was passed just a short while ago. That amendment sets forth as national policy—and let me emphasize, that amendment, the Mansfield amendment to the Military Procurement Act, which was passed, and I think signed by the President just a couple of hours ago, establishes as national policy the termination of all U.S. military operations in Indochina at the earliest practical date, and the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject—subject—to the release of all American prisoners and an accounting for the Americans missing in action.

As we all know, the most critical aspect of the Mansfield amendment, the 6 months withdrawal deadline, was dropped in conference. My amendment serves to restore this vital termination date to provide the basic means for implementing that provision.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. YATES, and by unanimous consent, Mr. BOLAND was allowed to proceed for 5 additional minutes.)

Mr. BOLAND. I thank my friend from Illinois. Mr. Chairman, the amendment is subject to the legislative limitations set forth in title VI of the Military Procurement Act which conditions our total military withdrawal on the result of the prisoners and the missing in action issues.

Some people will argue that Congress has no business legislating a mandate to terminate our military role in the Indochina war. I cannot agree. Throughout the history of this conflict, Congress has fully shared with the President the responsibility for the U.S. conduct in Indochina. This fact is made all the more clear by the recent court rulings such as the Federal Circuit Court for the District of Massachusetts in the case of Laird against Massachusetts, U.S. Court of Appeals for the First Circuit, in which it found that Congress in annually appropriating funds to carry out the war has repeatedly provided the war with legislative sanction. We have clearly shared the responsibility for the existence of this war, this body has, this Congress has. And as elected Representatives of a Nation that today overwhelmingly supports an end to our military participation in Indochina, we have the duty and the obligation to share the re-

sponsibility for bringing this war to a close.

Last week President Nixon announced the projected troop withdrawals totaling 45,000 men for the next 2 months.

With these reductions, the President will have brought the number of U.S. ground troops in Indochina from 540,000 men down to 139,000 during his term of office. No one—no one can deny that President Nixon has significantly altered our posture in Indochina. He deserves great credit from all of the American people and from those who are in this House for that substantial reduction of troops and the corresponding substantial reduction in U.S. casualties.

Nevertheless, certain hard facts still face us. Our military involvement in Indochina remains open ended with no foreseeable termination date in sight.

Our prisoners continue to remain in the hands of North Vietnam and its allies and our citizens, reduced as the casualties may be, are still dying in the war every week.

Our air missions constituting the greatest bombing effort in the history of warfare continue at extremely high levels.

The President last week offered no encouragement on the prisoner-of-war issue.

The President offered no encouragement about ending U.S. troop involvement in Indochina and offered no encouragement about ending our bombing role. Our military role in Indochina must be brought to a close and our prisoners' release must be obtained.

The way to accomplish all of these roles, I submit, is to set a deadline for U.S. military involvement in this war.

I would like to quote from a part of a letter I received from the Prisoners of War and Missing in Action Families for immediate release. This is an organization of prisoners of war and missing in action families who believe that positive steps must be taken to resolve these issues.

I quote:

We want our sons and our husbands and our fathers and our brothers returned now. We want our missing in action accounted for now. We are not prepared to see them play second fiddle one day longer to an undemocratic Saigon regime.

Many talk about the great sacrifices that our men have made. We have lived those sacrifices. We fully recognize that prisoners are not going to be released nor our missing in action accounted for until a termination date has been established for our role in Indochina.

We therefore would like to offer our support for your efforts which we believe will carry out this goal.

Failure to commit ourselves, Mr. Chairman, to a deadline for total withdrawal and to talk instead of residual forces and not only prolongs our role in a war that we should conclude but also endangers the troops remaining in Indochina and, moreover, endangers the prospects of obtaining the release of prisoners.

We have sacrificed 55,000 American lives and \$150 billion of American resources in this war.

We have endowed the South Vietnam-

ese with one of the largest and best equipped armed forces in the world. We have done enough. We have gone too far. The time has come to get out and this amendment takes us out.

Mr. Chairman, I include with my remarks title VI—termination of hostilities in Indochina—of the Military Procurement Act and a letter from prisoners of war and missing in action families for immediate release.

TITLE VI—TERMINATION OF HOSTILITIES IN INDOCHINA

SEC. 601. (a) It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces. The Congress hereby urges and requests the President to implement the above-expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

POW/MIA FAMILIES FOR

IMMEDIATE RELEASE,

November 14, 1971.

DEAR REPRESENTATIVE BOLAND: It is our understanding you will offer an amendment to the Defense Appropriations Bill to establish June 1, 1972 as a termination date for all U.S. military operations in Indochina. It is also our understanding that the June 1, 1972 deadline is subject to the provision of the Mansfield Amendment to the Military Procurement Act which conditions our withdrawal of forces from Indochina on the return of all American prisoners and an accounting of missing in action.

In our Statement of Purpose established in July, 1971, we state the following: We feel our government's obligation to the American prisoners now should take precedence over its obligation to the government of South Vietnam. We shall work, therefore, toward the formulation and implementation of policy which will bring about the most rapid release and repatriation of our prisoners of war and for the return of our armed forces currently serving in Southeast Asia.

In accordance with this, we have been working for the establishment of a termination date for U.S. military operations in Indochina in conjunction with the return of

November 17, 1971

all prisoners and an accounting of the missing in action by that date. We believe that it is only in this manner that the POW/MIA issue can be satisfactorily resolved. We want our sons and our husbands and our fathers and our brothers returned, *now*. We want our missing in action accounted for, *now*. We are not prepared to see them play second choice one day longer to an undemocratic, corrupt Saigon regime.

Many have talked about the great sacrifices our men have made. We have lived those sacrifices.

We fully recognize that the prisoners are not going to be released nor our missing in action accounted for until a termination date has been established for our role in Indochina. We therefore would like to offer our support to your efforts which we believe will carry out this goal.

POW/MIA FAMILIES FOR IMMEDIATE RELEASE,

SHIRLEY CULBERTSON,
JANE DUDLEY,
Washington Coordinators.

Mr. WYMAN. Mr. Chairman, I rise in opposition to the amendment.

(Mr. WYMAN asked and was given permission to revise and extend his remarks.)

Mr. WYMAN. Mr. Chairman, I would like to ask the gentleman from Massachusetts a couple of questions about the gentleman's amendment.

I ask the gentleman from Massachusetts: Does your amendment require prior release of all of our prisoners?

Mr. BOLAND. In my judgment, it does indeed. If the prisoners of war are not released and if the missing in action are not accounted for, then the effect of this amendment is null and void.

Mr. WYMAN. I would respectfully differ with the gentleman as to the wording of the amendment because as I look at his amendment I find these words: "subject to the release of all American prisoners and an accounting for all Americans missing in action." But the phrase "subject to the release of all American prisoners" in the gentleman's amendment are not a condition precedent, they are merely connected with the declaration of the U.S. policy set forth in title VI of the 1971 military procurement act. And I read further:

That notwithstanding any other provision of this Act—

This is from the gentleman's amendment—
none of the funds appropriated by this Act shall be used—

And so forth—
to finance any of these operations after June 1, 1972.

I would ask the gentleman from Massachusetts, how can the adoption of an amendment such as this by the Congress and the enactment of it into law get our prisoners back?

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Massachusetts.

Mr. BOLAND. That part of the amendment that states "no funds appropriated" and cuts off the appropriation as of June 1, 1972, is tied directly into the Military Procurement Act, specifically title VI, which is the watered-down Mansfield amendment. Specifically, it calls for the

release of the American prisoners of war and for an accounting of those missing in action. My amendment is tied directly to that and, so far as I am concerned—and you may differ with it—but so far as I am concerned, if there has not been any resolution of the matter of the release of the prisoners of war and an accounting of those missing in action, then the cutoff would not occur.

Mr. WYMAN. I simply observe to the gentleman, and the gentleman will acknowledge, that his amendment does not say "subject to the prior release of American prisoners" as a condition to the taking effect of the cutoff date of June 1, 1972. Does the gentleman contend that a contemporaneous or prior release of American prisoners is required?

Then we are going to stop all our support, we are going to stop all pay for our men, for their supplies, their arms, all our money, all our air cover—we are going to stop fighting over there on June 1, 1972, whether or not we have the prisoners back?

Mr. BOLAND. That is not so at all.

Mr. WYMAN. Your amendment does not provide otherwise.

Mr. BOLAND. It is not the intent of the amendment at all. In my judgment, the amendment provides for a move on the part of the North Vietnamese, to release the prisoners of war and to account for those missing in action. I have said that a dozen times. That is my contention. The gentleman from New Hampshire apparently does not agree with that, but that is my intention and that is my interpretation of the language of the amendment.

Mr. WYMAN. I submit, despite the gentleman's protestations as to what the amendment means, it does not call for what he claims it calls for, and I think it should be debated and considered in the light of what it actually provides. I submit that the amendment does not require the prior release of American prisoners. This amendment, if adopted, would be dangerous to the lives of the American troops remaining in Vietnam for it prohibits not only their arms and ammunition but it cuts off provision for arms for the South Vietnamese to cover them in withdrawal.

It is absolutely ridiculous for Congress to call off all support for Americans over there when the President of the United States is disengaging our troops just as fast as the protective defense forces can be trained in Vietnam to take over their own defense. The pending amendment would even stop the training of the South Vietnamese to use the equipment we have provided them for their own defense. The amendment would deny all support—arms, food, and air cover—to support our troops and those of our allies in Vietnam, even as they defend themselves in withdrawal.

The pending amendment would imperil the lives of Americans in Vietnam, be they advisers, troops or otherwise. By its author's own admission it would mean that we would cut off everything even if the enemy should continue to attack and kill Americans.

I want no part of such a proposal.

I am confident a majority of this

House will not vote to endanger our troops and deny our President the leverage to continue to negotiate for the release of our prisoners.

Mr. Chairman, this amendment should be rejected out of hand.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding. I think the gentleman from New Hampshire has raised an important point. Unfortunately, I do not believe that the gentleman from Massachusetts was responsive to his question. The whole issue of the American prisoners of war and the point the gentleman has made about clear priority of action must be debated on this floor. I think it would be tremendously damaging to our American prisoners now held by the enemy if we should adopt this improperly drawn amendment.

Mr. WYMAN. I would say in response to the gentleman that whatever the gentleman from Massachusetts claims to be the intent of his amendment, of course, is interesting in the sense of what he intends. But it does not control the plain language of the amendment. The amendment speaks for itself. An examination of the amendment by Members of the House, particularly its attorneys—and there are many distinguished attorneys in the House—will show that there is no condition precedent in the amendment before us requiring either the prior release of our prisoners or even their contemporaneous release. Had the gentleman from Massachusetts wished to specifically establish the requirement of prior release his amendment could easily have been so worded. He has neither done this nor does he offer a perfecting amendment to do this at this time. Instead he allows his reference to prisoners to remain in a general introductory clause referring to title VI of the Military Procurement Act of 1971 that itself contains no cutoff date nor any date whatever.

The pending amendment is fatally defective as to prisoner release and this should be understood by all Members before they vote.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment, and move to strike the requisite number of words.

(Mr. SIKES asked and was given permission to revise and extend his remarks.)

Mr. SIKES. Mr. Chairman, the President has today signed H.R. 8687, the Military Procurement Authorization Act, into law, notwithstanding the Mansfield amendment. But here is what he said in the conclusion of his statement about that action:

I would add regretfully that legislative actions such as this hinder rather than assist in the search for a negotiated settlement.

That was in reference to the Mansfield amendment, a much milder version than the Boland amendment now before us.

Aside from the President's comment, there is not the slightest reason to believe that the act of specifying a date for U.S.

withdrawal would influence North Vietnamese policies toward the prisoners of war or toward the conduct of the war itself. The chances are that having gained a date for the end of U.S. participation, they would simply demand further concessions—like handing over the Saigon government to the Communists. There is not a scintilla of evidence from any reliable source to show any positive commitment by any North Vietnamese official that we can rely upon.

No, Mr. Chairman, this amendment can serve no useful purpose for the United States or the prisoners of war. It can only tie the hands of a President who has done a remarkably good job in extricating U.S. forces from the difficult and complicated controversy in Southeast Asia. The American military has all but ceased ground combat, but we cannot instantaneously write off Vietnam and Southeast Asia and forget them. It is still a very important part of the world to the United States and to the free world.

Of course, America wants the war ended, but we cannot stop a war on a fixed date by congressional resolution. If we adopt the amendment that is proposed, we tie the President's hands, we free the Communists to take advantage of many alternatives which are now closed to them. The President must have flexibility to carry on to a successful and a responsible conclusion our objectives in Vietnam.

Remember—remember this—the North Vietnamese negotiators in Paris can end all of the uncertainty, they can bring about assurance of peace and the return of the prisoners of war on any day they wish by a simple statement of intent. And yet, in all the years of wasted effort by our negotiators in Paris, the North Vietnamese have not in a single instance showed good faith or good intentions. Everything has been unilateral on our part, and this action, now exemplified by the amendment before us, can produce no certainty, can offer no hope of any positive result.

Let us not play the game of the North Vietnamese here today in the U.S. House of Representatives.

Mr. ADDABBO. Mr. Chairman, I rise in support of the Boland amendment. It is important to note that this amendment is consistent with previous legislation adopted by the House of Representatives. Title VI of the Military Procurement Act passed by this body and which I supported calls for withdrawal conditioned upon the release of U.S. prisoners of war. The amendment now before the House also ties the termination of U.S. military activities in Indochina to the release of prisoners by North Vietnam.

This very point was recently recognized by the POW/MIA Families for Immediate Release. In a letter addressed to our colleague from Massachusetts, Mr. BOLAND, that organization said:

We feel our government's obligation to the American prisoners now should take precedence over its obligation to the government of South Vietnam.

That committee also emphasized the realities of the situation by stating that:

We fully recognize that the prisoners are not going to be released nor our missing in action accounted for until a termination date

has been established for our role in Indochina.

As I stated in this Chamber a few weeks ago, and during general debate on this bill, I believe the time has finally come when all the frustrations and all the rhetoric about the pursuit of peace must end. By the House approval of this amendment we must stand up and say once and for all "end the War."

Mr. Chairman, my position on the Vietnam war and our involvement in Indochina has been known for some time. As a member of the House Appropriation Committee, I have voiced concern over the expansion of the war, and the extent of our role in Southeast Asia.

It has been said that to set a specific date to end all operations in that area gives solace to the enemy. This cannot give any more aid or comfort than the President's Vietnamization policy or the President's announcement of further pullouts. After 10 years, after all our dead and wounded, after dropping over 4 million tons of bombs, twice as much as we dropped during World War II, including Korea, after 40 percent of our troops starting to use drugs, it is time to put a stop to this carnage and let the South Vietnamese know that they must take over the responsibilities in the field. I believe we must give them an ultimatum, a definite date beyond which the United States will not continue to provide further military assistance.

The President has pledged to end the war. Let us lend our support to his committee by passage of this amendment.

Mr. Chairman, for purposes of clarification, I wish to read again the amendment which was offered by the gentleman from Massachusetts:

On page 48, immediately following line 7, add the following new Section under Title VII: Sec 745. In line with Title VI of the 1971 Military Procurement Act calling for termination of all U.S. military operations in Indochina at the earliest practicable date and for the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners and an accounting for all Americans missing in action, and notwithstanding any other provisions in this Act, none of the funds appropriated by this Act shall be used to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos or Cambodia, after June 1, 1972.

Mr. Chairman, this is in accordance with the bill passed by the House almost unanimously and signed by the President.

(Mr. ADDABBO asked and was given permission to revise and extend his remarks.)

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, as the gentleman from New York has indicated, and as the amendment clearly indicates, this is tied in with the national policy as delineated in title VI of the 1971 Military Procurement Act. Let me read the pertinent paragraph in that title.

Establish a final date for withdrawal from Indochina of all military forces of the United States contingent upon release of all Amer-

ican prisoners of war held by the Government of North Vietnam and forces under such control and accounting for all Americans missing in action who have been held by or known to such government or such forces . . .

Now, the national policy as established under the Military Procurement Act is this described policy. I am disturbed that upon the signing of the Military Procurement Act today by the President, sometime around noon, that he did say that he would ignore one of the provisions of that act.

He would ignore the Mansfield amendment. I believe it is indefensible for the President of the United States to ignore the national policy that has been passed upon by the Members of this body, by the Members of the other body, and signed by himself.

That is one of the reasons why we have this amendment. I believe it is high time we do establish policy in this body. We have been traveling along too easily, too much, too often.

I have been here now for a few years, and I have heard constantly and consistently the argument that we should not tie the hands of the Executive, whether it be President Nixon, President Johnson, or President Kennedy. I have heard it now over the past three administrations. And I have seldom, if ever, done it. But it appears to me we have to do it now. This is the only way we are going to stop this war.

Say what you want, the President's press conference last week clearly indicated we are going to have a residual force there of 30,000 to 55,000 men. I do not know how we are going to protect a residual force without some sort of military establishment to back it up.

That is my concern. I am sure it is the concern of all Members here, as it is the concern of the vast majority of the American people.

Mr. ROUSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. For months I have heard many persuasive men argue against this amendment, but I have heard very few well reasoned persuasive arguments against it.

I become impatient with headlines such as we saw in this morning's Post, "Beat Amendment Selling Viet Pullout, Nixon Urges Congress." I grow weary of the argument that we must continue this war because the President needs a free hand in the conduct of our foreign affairs.

For almost a decade we have given our Presidents a free hand and for almost a decade we have seen the war continue.

It is a national tragedy to know that the leadership of this great deliberating body is willing to abdicate its power and authority to the executive branch. They are asking this Congress to be the President's puppet, jumping when he says jump, to tuck ourselves away in the closet when he says he does not want to hear from us. I suggest that on this great issue that we speak out, that we correct the course the Nation is taking and in so doing reestablish the Congress as an equal branch of this Government.

I cannot believe it is enough to say that we are withdrawing 45,000 troops by the end of November or that we have reduced troop strength in Vietnam to less than 200,000 men when, in fact, it is our intention to keep a residual force of perhaps 50,000 men there. Nor can we believe the statement that the American combat role is over when we continue to drop thousands of tons of bombs each week in Vietnam. How can the nations of the world or how can the citizens of this country believe our combat role is over when this is happening?

There are compelling reasons why this amendment should be adopted. Let us remind ourselves of the economic havoc it has brought. Over a hundred billion dollars have been wasted. One of our most grievous economic problems—and I refer to inflation—has been nurtured and fed by the expenditure of funds to carry on the war in Vietnam. Each time I have heard the President speak of inflation he stresses the cutting of Government expenditures as part of the solution and yet he refused to call an end to our activities in that far place.

Then there is another consideration of which we do not often speak but which is very real. Each day this involvement continues we contribute to the weakening of our general defenses. By pouring our military strength into Vietnam we weaken our overall military strength. We neglect our research and development, the building of our fleet, the modernization of our Air Force, and the defenses here in this country. We deprive military men of decent housing and necessary equipment. And can anyone deny that we are slowly permitting the deterioration of that most important ingredient of all to a strong military force, the morale of our men in uniform.

The political problems which this war has created are horrendous. We have lost friends throughout the world. Our credibility as a peace-loving nation is doubted. Our motives have been suspect. Our actions and interference condemned. And the result? At a critical time in the history of the United Nations we could not even muster a simple majority to keep Taiwan in the United Nations.

And then there are the humane and human reasons for us to stop this war and to get out of Vietnam. Killing, maiming, and destroying at that place can no longer withstand the forces of reason which say that they must stop. Are we not mindful of the millions of lives which have been affected by the misery and tragedy of that war? When I consider my own experience as the father of a son who fought in Vietnam, I know that my fear, my apprehension, my sleepless nights could be no less than that of countless others, including the parents of sons who fought on both sides of this conflict. Have you ever put your arms around a son—who is suddenly a man—said goodbye and then watch him get onto a plane knowing that in a short span of time he will be in the jungles fighting a war which none of us understand? Each day for that year you pray for his safety, dreading every telegram

you receive and watch for his letters. And in these letters read his inquiries as to why we are fighting there. You cannot answer those inquiries. You cannot answer the question "Why?"

My infantry sergeant son came home. He had done his bit and how proud I am of him. He earned the hard way as only an infantry man can understand, his decorations, citations, and commendations. But something was lacking that day when he stepped off that plane. No one, no one could explain why he had gone in the first place.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the American people charge the Congress with its full share of responsibility for involving us in this war. They expect the Congress to exercise its full responsibility in at last extricating us from that war. The Boland amendment will do just that.

If for no other reason, I urge it be adopted.

Mr. ECKHARDT. Will the gentleman yield?

Mr. OBEY. I am glad to yield to the gentleman from Texas.

Mr. ECKHARDT. I would like to rise to point out why, as a legal proposition, the statement of the gentleman from New Hampshire (Mr. WYMAN) is not correct. That is, the amendment is in truth limited to the withdrawal of troops.

I think we need to establish a little legislative history on that point. As I understand it—and I would like to address this question, of course, through the Member who has the floor, to the author of the amendment—the amendment is a limitation on the appropriation bill which provides for a cutoff of funds at a specific time, but expressly states that such condition is itself conditioned on established policy contained in title VI of the 1971 Military Procurement Act. Is that correct?

Mr. BOLAND. The gentleman states it exactly as I intended it and exactly as it is.

Mr. ECKHARDT. Now, since this is a limitation on an appropriation bill, it may not itself establish general legislative policy and it does not purport to do so, but it may be limited to and be confined within policy established under existing law. That existing policy is contained under title VI of the 1971 Military Procurement Act, as I understand it.

Mr. BOLAND. The gentleman is correct.

Mr. ECKHARDT. And in that provision it is stated as clearly as language can be written that it is a policy of the United States to withdraw but only in the event that the prisoners are released and the other conditions provided in that act take place. Is that correct?

Mr. BOLAND. That is correct.

Mr. ECKHARDT. And is it not the purpose of the author in stating it is in line with title VI, to make it absolutely clear that this provision in no wise reduces that commitment as a prerequisite to withdrawal?

Mr. BOLAND. The gentleman is correct.

Mr. WYMAN. Will the gentleman yield to me?

Mr. OBEY. I yield to the gentleman.

Mr. WYMAN. I would like to inquire of the gentleman in the well whether or not he maintains after that colloquy with the gentleman from Massachusetts that after June 1, 1972, the moneys will continue to be available for financing either combat or support operations if the prisoners are not returned?

Mr. ECKHARDT. The money would be available as I understand the provisions of the act.

Mr. WYMAN. Not the provisions of the act, if I may say, but the provisions of the Boland amendment.

Mr. ECKHARDT. I would say this, that the limitation itself contains a limitation. The limitation provides that no funds shall be expended, but that itself is conditioned upon the conditions of title VI going into effect. Therefore a limit on the expenditure of funds after that date is itself conditioned upon the release of the prisoners as contained in positive law passed by this Congress and signed a few hours ago by the President of the United States.

Mr. WYMAN. There is no date in title VI. Where is a date in title VI? Is there any June 1, 1972 in title VI?

Mr. ECKHARDT. I believe the gentleman from New Hampshire does not understand the point I am making here. Perhaps, I have not made it clear. The only thing that can be done in an appropriation bill is to limit the appropriation and that is done. The limitation in the appropriation bill may not establish other conditions, but it may be subject to other conditions of existing law. Further, the author of the amendment has pointed out that he intends not to affect positive policy provisions of title VI of the existing law, and it seems to me that this provision is clearly limited to those conditions set out in title VI of the Military Procurement Act and this takes no effect unless those conditions are put into effect.

Mr. WYMAN. If the gentleman will yield further for one further observation, the Boland amendment certainly has limited it. It has limited the Appropriations Committee when it states that none of the funds appropriated by this act shall be used to finance any military combat or military support operations by U.S. Forces in or over South Vietnam, North Vietnam, Laos, or Cambodia, after June 1, 1972.

The words "subject to release of all American prisoners" are not a condition precedent in Mr. Boland's amendment as it is worded and the gentleman's remarks are entirely beside the point.

Mr. RHODES. Mr. Chairman, I move to strike the requisite number of words.

(Mr. RHODES asked and was given permission to revise and extend his remarks.)

Mr. RHODES. Mr. Chairman, I am sure that the House is tired of the lawyers arguing over this, but I think it is such an important point that we need to spell out exactly what is meant by the

amendment which has been offered by the gentleman from Massachusetts.

As one lawyer, I will tell you how it looks to me.

The first proviso of section 745, as it is offered by the gentleman, is merely the explanation of the contents of the 1971 Military Procurement Act, title VI thereof. There is no language in the part which carries that explanation—as to any proviso which effects that which comes later. This explanation is not a condition precedent because there are no conditioning words or limiting words which definitely refer to the last clause. Neither is there anything in the last clause which incorporates by reference any of the assertions made earlier.

Mr. Chairman, the fact remains that the limitation proposed by the gentleman from Massachusetts has only one effect, and that is to cut off all funds for Americans in Southeast Asia after June 1, 1972, unconditionally, without regard to whether or not the prisoners of war are released.

If the gentleman from Massachusetts—and he is a good lawyer—wanted to make it very clear that we intended this cutoff to be subject to the provisions of the Military Procurement Act of 1971, title VI, he could have done so ending his amendment like this: "After June 1, 1972, subject to the terms, the conditions and limitations, including the return of prisoners as set forth, in title VI of the Military Procurement Act of 1971."

That is the way to limit a limitation. The gentleman from Massachusetts knows this, and had he really wanted to limit his limitation, he would have known how to do so.

With all due respect to my dear friend from Massachusetts, for whom I have the highest regard, he is not doing what he says he intends to do. This makes it obvious in my opinion that we should not try to write legislation like this on the floor of the House. Any limitation on the power of the President to negotiate peace and the release of prisoners should be made only after prayerful consideration, not in an atmosphere of passion and debate.

This is really tampering with the welfare of the people of the United States in general, and of the prisoners of war in particular.

The President of the United States has said time after time he cannot negotiate with the Government of North Vietnam unless he has something with which to negotiate. If this amendment is adopted and willy-nilly the troops of the United States of America must withdraw from Vietnam on June 1, 1972, then you have cut the ground out from under the President of the United States completely. You have in my opinion condemned the prisoners of war and the people who are missing in action to be released at some possible time in the future, but only when North Vietnam decides that it might want to release them.

I have not noticed any indication on the part of North Vietnam which indicates that they possess any of the milk of human kindness whatsoever for anybody, and certainly not for the prisoners of war of the United States of America.

To adopt this amendment would be disastrous, and ask that it be voted down.

Mr. HÉBERT. Mr. Chairman, I move to strike the requisite number of words.

(Mr. HÉBERT asked and was given permission to revise and extend his remarks.)

Mr. HÉBERT. Mr. Chairman and Members of the House, it is with great hesitation that I again take the well of this House to explore this matter. One of our Members has said he has become weary of hearing this argument continuously. I want to say to him—and I am sure many Members of this House share his same feeling—that I too am weary. I am downright tired of having to debate something that we have debated and debated and debated and re-debated and re-debated, from the beginning of this Congress: the so-called Mansfield amendment, which of course this is, in albeit a different form. I am weary of, after sitting for weeks on end in discussions with the other body, to bring out a compromise on a particular amendment in the draft bill, this House reacted and did accept a modified amendment of the so-called Mansfield amendment in which it discussed it as being the consensus of the Congress. We go back again. We again are confronted with the same thing. We are at loggerheads, and have long discussions again, and in order to bring forward a bill that you could act upon in some confidence, we reluctantly agreed to language making this "the policy of the United States." Your House conferees made this concession so as to bring back something that this House could act upon. The House did act and approved the action of its conferees on H.R. 8687.

The criticism has been leveled at those of us, who have been fighting this fight for so long and one that we are all weary of, that we never allowed a direct vote to come on the Mansfield amendment. Under a rule which was brought out to the House under the Military Procurement Conference Report, a direct vote was permitted. And when the Speaker put the question not one voice in this body was raised to ask for that direct vote. Under the rule, any individual Member could have gotten a direct vote at that time on the so-called Mansfield amendment. However, none was demanded.

The conference report then had hardly been adopted by the House, and we again hear the winds blowing from the other body that the Mansfield amendment has been tied in to the foreign aid bill. We come here today, and it is proposed that the Mansfield amendment be tacked on to an appropriations bill.

When are we going to stop this tactic in dilution of a responsible and established House position arrived at on two separate occasions?

I join in the statement made by the gentleman from Arizona—we can have only one President—one Commander—whether you like him or not and whether you agree with him or not. I, for one, have insisted I shall not tie the hands of the President of the United

States from the very beginning and I stand here again today and repeat that commitment—I am not going to cut his legs from under him when he is doing the best job anybody can do. He should be applauded instead of condemned for what he is doing. This is not a partisan issue with me. There is not an individual in this House who wants those men brought back home any more quickly than I do, but who is so simple as to think that we can accomplish something by declaring to the world that we do not back our Commander in Chief and President. Are we going to tell the world we have no confidence in him—that we proclaim to those who are willing to hear, and there are many, that we are a polarized nation going in many directions.

This is no time to dilly dally with the lives of individuals.

I was very moved by the gentleman talking about his son. I can understand what he means—not having a son—but certainly having a family and a daughter. I know the torture and the anguish that these parents must go through. But each one of those who suffer this anguish and this agony must realize that there are others who went before them and whose sons did not come back—whose sons died in other wars in order that we may continue the type of government and the kind of freedom that we have here.

This is not time for emotionalism. This is a time for looking at the facts and looking the individuals in the eye. This is the time not to divide America, my God—no—let us stand together—let us unite—let us present a solid front and let us support the President of the United States.

Mr. FLYNT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the boland amendment. I have supported this position for almost a year, since December of 1970 when I arrived at a decision which I should have reached 7 years before—that the Vietnam war is the most tragic mistake, in my judgment, that this country has ever made. It has caused the downgrading of every single element of our defense establishment because we have been denying to the Navy and the Army and the Air Force and the Marines any Coast Guard needed funds and needed new and modern equipment including naval vessels which we do not have and we cannot buy because of the billions upon billions and billions of dollars that are being poured down the rat hole of Southeast Asia today.

Mr. Chairman, I will yield to the gentleman from Louisiana in just a moment, if I have any time.

Yesterday morning while driving to work, I heard a radio news statement attributed to the President:

General Abrams will have to get along with less than 90,000 troops, perhaps as few as 65,000 troops by next July.

I assume that means July 1972. That is the end of the quotation I heard.

Since the President is reported to have announced by that date General Abrams will be reduced in troop strength to 90,000 or perhaps as few as 65,000, in my judgment he has destroyed any basis

which he might have to negotiate for the release of our prisoners of war and an accounting for our men who are missing in action.

While this may be an oversimplification of a long and complex subject, as far as the issue of the release of American prisoners of war is concerned, in my judgment the President already has a reliable agreement that they will be released or else he is denigrating any chance he has to negotiate for their release. In either event, I feel that he might as well stop the war as soon as he possibly can and bring the United States troops home.

We hear a great deal about this residual force.

Mr. Chairman, what would be the purpose of such a residual force? Would it be for the purpose of maintaining the dictator, Thieu, as the United States-appointed "President" of South Vietnam? If this be the case, I will never again vote for an authorization or an appropriation bill which has funds to be used to maintain or to perpetuate in office in a foreign country a dictator who will not permit the name of an opposing candidate on the ballot. In 1971 there were two major potential candidates for the presidency in South Vietnam, General Minh and General Ky, each of whom had and has a substantial following among the people of South Vietnam, possibly as great or greater than President Thieu would have had without the military support of the United States. If either of them had remained a candidate and dared to go down to the wire in a campaign for president against Thieu, he or they probably would have suffered the same fate as the last candidate who made a bona fide effort to run against Thieu in a presidential election. So far as I know, he is still in prison like a common criminal.

A great deal has been said to the effect that we are in Vietnam at the request of our allies. Mr. Chairman, I think that that may become known to future historians as one of the most damnable fictions of all time. The reason we are in Vietnam today is in support of our self-appointed, unpopular, puppet rulers of that Southeastern Asian country, and I think, Mr. Chairman, the time has come for us to face up to the mistake that we have made and try to correct the mistake instead of compounding it year-in and year-out for God knows how long we may be there.

Mr. Chairman, the time is now and the forum is here for those who think that the war in Vietnam ought to be terminated and to do so by the adoption of the Boland amendment.

Mr. MINSHALL. Mr. Chairman, I rise in opposition to the amendment.

(Mr. MINSHALL asked and was given permission to revise and extend his remarks.)

Mr. HEBERT. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I am glad to yield to the distinguished chairman of the House Committee on Armed Services.

Mr. HEBERT. I had hoped the gentleman from Georgia would give me an opportunity and the courtesy to ask a question. I would appreciate it if the gentle-

man from Georgia would answer the question: As I understand, the gentleman made the statement that because of the money being poured down the rathole of our military effort in Vietnam, our military people are not getting the hardware necessary to carry on their responsibilities. I would like the gentleman to name one penny that has not been devoted to the acquisition of military hardware in supply of the military of this country and in the protection of the security of this country because of the Vietnam situation. Just name one.

Mr. FLYNT. Mr. Chairman, will the gentleman yield to me?

Mr. MINSHALL. I yield to the gentleman from Georgia.

Mr. FLYNT. If the gentleman from Louisiana, the able and distinguished chairman of the Committee on Armed Services, would go to some of the bases and take a look at what is actually going on, look at the equipment, look at our naval vessels, 80 percent of which are 20 years old or older, at a time when 80 percent of Russian naval vessels are 10 years old or younger, then I think the gentleman from Louisiana might say that the American Armed Forces are deteriorating, and they are deteriorating because of useless expenditures in Vietnam.

Mr. HEBERT. The age of naval vessels increased long before our action in Vietnam. This has nothing to do with Vietnam. The gentleman has not answered my question. He has not told me where one penny has been denied our military forces in the protection of the security of this country.

Mr. MINSHALL. Mr. Chairman, as the distinguished chairman of the Committee on Armed Services has pointed out, we have covered this route before. This is another in what has been a series of amendments to come before the House and/or the Senate demanding in effect that we get out of Southeast Asia on a date certain. Each time Congress has wrestled with its conscience over the issue. Each time prudence and support of our President have won over whatever transient political popularity might be given it.

I do not question the sincerity of any Member of this House or of the other body or of the public sector in desiring peace. I do think, however, that there are some who cannot stand the success of the Nixon administration in its successful phasing out of the Vietnam conflict.

What I am about to say I want to be very clearly understood and not to be misconstrued as impugning the patriotism of anyone who supports the end of war amendments, but it is apparent that there are some who not only want to belatedly climb on the Nixon bandwagon as it heads toward peace, but who are also frantically for what could be politically motivated trying to run ahead of it. No matter how well intentioned, their efforts could completely derail our drive toward that objective.

The Boland amendment is a chimera. We have every reason to believe that similar proposals have been made by the U.S. representatives in Paris, and that they have been refused by the North

Vietnamese. I am not a bit impressed by the public pronouncements on the other side in Paris. One presidential aspirant already has learned how quickly they shift positions when they undercut him completely on assurance he said they had given him regarding the return of our prisoners of war.

If adopted, the Boland amendment might well spell failure for the delicate negotiations the President plans on a personal level with leaders in Peking and Moscow.

And, I ask this committee, are the sponsors and supporters of the Boland amendment prepared to take the consequences of their action, a complete cut-off next June 1 of the fewer than 50,000 troops we will have in Vietnam at that time—support troops, not combat troops?

Do the supporters of this amendment seriously mean to cut off from these men the means to defend themselves from enemy attack, to cut off even their food and maintenance supplies?

Adoption of the Boland amendment could well mark the first time the Congress of the United States deliberately set out to create an Alamo.

There is a great deal of infighting going on, showing a complete disregard for Presidential leadership and authority in foreign affairs. It is an ugly picture.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. MINSHALL was allowed to proceed for 5 additional minutes.)

Mr. MINSHALL. Mr. Chairman, as I say, it is an ugly picture. Opponents of the President's policies need only look at his record since he has been in office, and they must—they must acknowledge the success he is having in fulfilling his promises to withdraw from Southeast Asia. He has kept every one of them since he took office two and a half years ago.

Richard Nixon is not the villain in the tragedy of Vietnam. He has saved and is saving American lives. He has taken American men out of the jungles, out of combat, and he has returned them to their homes. He is continuing to do this. He will bring our men home, and this includes our prisoners of war.

Time and time again the President has reiterated his policy regarding withdrawal from Southeast Asia. It could not be made more clear. The goal is a negotiated settlement, withdrawal of all foreign forces, release of all prisoners of war, and a cease-fire throughout Indochina. He has repeatedly stated that if such a settlement cannot be reached, withdrawal of our forces will be determined by the level of enemy activity, progress of Vietnamization, and our success in obtaining the release of prisoners of war.

I appeal to this House not to tie the hands of the President. Just remember that he has brought home 80 percent of our troops, or will have in the next 2 or 3 months, committed by the previous administration at the peak of its escalation of the war.

This is a time for cheering the Nixon administration, not to be undercutting it in its continuing drive toward peace and the safe return of all American men.

I urge the Members to reject the Boland amendment as a threat and a detriment to the continuing and growing success of our President's efforts.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. I want to commend the gentleman for the statement he has made and to associate myself with his remarks, and I should like to ask the gentleman a question.

Mr. MINSHALL. I am glad to yield to the gentleman.

Mr. ANDREWS of Alabama. What would be the situation if the first of July 1972, arrived and the prisoners of war had not been returned?

Mr. MINSHALL. Does the gentleman mean the first of June?

Mr. ANDREWS of Alabama. Whatever the amendment says, if it is the first of June 1972. Let us assume we reach June 1, 1972, and the prisoners have not been returned?

Mr. MINSHALL. It would be a tragic situation, as has been repeatedly pointed out. Our hands would be tied. We would not be able to do a darned thing about it.

Mr. ANDREWS of Alabama. Does the gentleman think the Vietcong and the North Vietnamese will ever return those prisoners unless we make them do it?

Mr. MINSHALL. I certainly hope they will. I only hope they will keep future promises better than they have kept past ones.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Boland amendment. Much has been made of the prisoners of war in Vietnam, and those of us who know the families of those prisoners have some sense of what agony they are going through and how desperately they want to get their sons and husbands back.

But men are now today dying in Vietnam. If this war keeps on for another 6 months or a year, as many additional men will die in Vietnam as there are now prisoners in Vietnam, and those men who are still on the battlefield and who may yet die deserve as much consideration as the men who are there prisoners.

I believe the opposition to this amendment comes from those who want us to believe that "Poppa knows best" and that children should not interfere. Congress has too long proceeded on this theory that the President knows best, that he knows what he is doing and can be counted on to do the right thing and that we should give him the money and the manpower he wants.

For 9 years that we have been in Vietnam I have served in the Congress. How many hours I have sat and listened in committee to generals, Secretaries of Defense, and Secretaries of State. I have been to the White House and I have listened to the President and all his glamorous advisers who claim to have all the inside information. And I, just as you, have voted for the money.

The gentleman from Indiana has pointed out how his son went to Viet-

nam. Well, my son went to Vietnam. He fought for a solid year in the 101st Airborne. He was wounded twice. In the last battle only two men in his platoon were not killed or wounded. I very nearly lost my son in Vietnam.

How many hours I have asked myself. "Why did you encourage your son to go to Vietnam? Why did you give him the impression that the people up there, all the generals and Defense Secretaries and admirals and so on, knew best." When you read the Pentagon papers and examine the rest of the record, the very kindest conclusion you can come to is our President and generals and advisers did not know what they were talking about, did not have the foggiest idea of what was going on or what we should do. If they did know, then you have to credit them with evil intentions, and I hate to do that, although the Pentagon papers make it look as though our leaders were a pretty byzantine crowd. I think it is pretty clear that the President does not know best. He has no monopoly on information or wisdom. People around him tell him what he wants to hear, and they have been doing that for years and years.

It is time for the Congress to reassert its responsibility. You are asked to authorize these appropriations, you are asked to appropriate the money, you are asked to draft the thousands of boys who did not have the foggiest idea of what this was all about. You have had to comfort the mothers and fathers who came to you. Now you are told, having done all that and having gone along and having been good children, that you should not have anything to do with getting those boys back out of Vietnam.

A lot of this opposition to the Boland amendment comes from those who want the President to get the full credit for getting us out of Vietnam. I—along with you—have had to take my share of the responsibility and the blame. Now I want to be able to take some of the credit. I want to be able to tell my constituents—and my own son—that I had something to do with getting us out of Vietnam.

I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Boland amendment.

I am no expert on Vietnam or Southeast Asia, but, Mr. Chairman, I have been in Vietnam a number of times. I was over there only last August. I believe I have some knowledge of the situation.

I am opposed to the Boland amendment because, in the first place, it is not necessary. The President is withdrawing Americans from Indochina in large numbers and the withdrawal is going on in an orderly fashion. I saw it with my own eyes only last August. It takes time to withdraw men and equipment, and a time certain will not accomplish anything.

Mr. Chairman, I guess what concerns me most about the Boland amendment is the weakening of our position as to the prisoners of war and as to the missing in action. I know my colleague, Mr. BOLAND—and I hope he is here on the floor—sent each Member a letter from the Prisoners of War, Missing in Ac-

tion Families for Immediate Release supporting the Boland amendment. I have a letter written to the chairman of the Committee on Appropriations (Mr. MAHON). This letter came to him yesterday. I have a copy of the letter. It is from the National League of Families of American Prisoners and Missing in Southeast Asia. It says:

NOVEMBER 16, 1971.

Congressman GEORGE H. MAHON,
Chairman, House Appropriations Committee,
Rayburn House Office Building, Wash-
ington, D.C.

DEAR CONGRESSMAN MAHON: The National League of Families of American Prisoners and Missing in Southeast Asia, the first organization formed by family members, has a membership far greater than any other group, including the POW/MIA Families for Immediate Release. The League of Families is not in agreement with Congressman Boland nor Senator Mansfield.

Yes we want our prisoners home as rapidly as possible and we want an accounting of our missing men but when we leave the entire process of negotiations rest with the North Vietnamese, which in essence this amendment permits, we sincerely doubt that we will gain any satisfactory conclusion to the MIA/POW dilemma.

We, the majority of family members strongly urge you to carefully consider this amendment for we have faith in our government that our men, missing and prisoners are not and will not become second rate issues.

Sincerely,

EVELYN GRUBB,
National Coordinator.

(Similar letter written to Congressman G. V. MONTGOMERY who has been very closely associated with the POW-MIA situation.)

Mr. Chairman, this letter represents the great majority of the families of the POW/MIA and they do not like the Boland amendment.

Mr. Chairman, the North Vietnamese and the Vietcong are really the most vicious enemy we have ever fought. Why should we set a date certain and hope that the enemy will act in good faith—an enemy that never abided by the Geneva Accords, an enemy that has shot down Americans over Laos, and where those that we did not rescue we have never heard from.

I might say that the State Department reports that in the 6 months period of March to October 1970, 1,300 letters were received from POW's by American families in the States. In the same period now, 1971, only 170 letters have been received from the POW's. Can anyone explain this?

What are you going to do in the Boland amendment is take away the negotiating power of our Government and give all of the trump cards to the North Vietnamese.

Mr. Chairman, as Admiral Moorer, Chairman of the Joint Chiefs of Staff, said:

If you take the route of the Mansfield and Boland amendments, there is a possibility we will not get all of the Americans back.

Mr. Chairman, the amendment is based on the release of American prisoners of war and does not consider—and this is a point that has not been mentioned today—does not consider the release of Australian prisoners of war, New Zealand prisoners of war, and the South Korean prisoners of war who had been our

friends for many years fighting in South Vietnam as well as our other allies. This amendment leaves our Allies to get their prisoners back the best way they can; I ask, is this fair?

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Arizona.

Mr. RHODES. I want to congratulate the gentleman on the statement he has made and particularly upon the activities of the gentleman in furtherance of the welfare of our fighting men in Vietnam, not only the men who are now fighting, but the prisoners of war and the missing in action. The gentleman's activities have been over a longer period of time more fruitful than those of any other Member of the House and I congratulate the gentleman.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from New York.

Mr. DOW. At one time the United States had 550,000 men in Vietnam. I think the gentleman will have to agree that the presence of those men was of no effect in securing the release of our prisoners of war.

How does the gentleman suppose, when we have reduced our forces down possibly to a figure of less than 100,000 shortly, that with that small number of men we will have any leverage to get those prisoners out by force or threat of force?

Mr. MONTGOMERY. I will say to the gentleman from New York that we will have a holding force in Vietnam which will be around 50,000 men plus a strong air striking force. We will not be leaving them by themselves over there and we are not turning the negotiations over to the North Vietnamese, which the Boland amendment does.

Mr. RIEGLE. Mr. Chairman, I move to strike the requisite number of words.

(Mr. RIEGLE asked and was given permission to revise and extend his remarks.)

Mr. RIEGLE. Mr. Chairman, I rise in support of the Boland amendment and I now yield to the gentleman from California (Mr. McCloskey).

Mr. McCLOSKEY. Mr. Chairman, I would like to speak to one aspect of the Boland amendment, the question of the prisoners of war.

Previously, the Congress has requested the President to withdraw at the earliest practicable date on one single condition, that our prisoners be accounted for and returned.

The President, however, has insisted upon a second condition—that the North Vietnamese and the Vietcong cease their attempts to overthrow the government of South Vietnam. He has said that we will continue the bombing in Laos, Cambodia and Vietnam until there is a reasonable chance that the Thieu-Ky government survives.

Secretary of Defense Laird has said that this bombing may be required for 10 years.

Mr. Chairman, when the President adds this second condition for our withdrawal from Southeast Asia, he not only

ignores the request of this Nation and the national policy of this Nation as set by the Congress, he flouts the language of the law he himself has signed. Let me read in part that law which was signed by the President himself when we passed the amendments to the Selective Service Act of 1967:

The Congress hereby urges and requests the President to implement the above-expressed policy by initiating immediately the following actions:

Negotiate with the Government of North Vietnam for the establishing of a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release at a date certain of all American prisoners of war held by the Government of North Vietnam and forces allied with such government.

Mr. Chairman, that was a single condition passed by the Congress and enacted into law, a request only, but still a request by the Congress of the United States that makes the laws of this Nation.

Mr. Chairman, there is a clear constitutional issue here. The Congress makes the law and the President is charged with faithfully executing those laws. Even as Commander in Chief, his powers are defined and limited by the Congress under the Constitution.

This was established by the Supreme Court of the United States over 160 years ago, about the same time that *Marbury v. Madison* established the right of the Court to review the acts of the Congress.

As the chairman of the Armed Services Committee has said, "We have only one President." But that President is bound to execute the laws we enact.

We have told the President in clear and unmistakable language:

Mr. President, there is only one condition we ask for our withdrawal: the return of our prisoners.

What power does the President have to decide that he will impose a second condition? The survival of a government which is clearly a police state—which pursues denial of due process, torture, repression of dissent on a daily basis? And when the President imposes that condition, what does it do for our prisoners of war? We continue to withdraw our troops. Obviously the people have overwhelmingly demanded this withdrawal. What possible help does it give to our prisoners to continue to withdraw and yet demand that the war be won? Does not our negotiating posture diminish as time goes by?

If we continue to insist on winning the war through Vietnamization, how can we ask for our prisoners back? Clearly the North Vietnamese know and understand that this holding of our prisoners of war is their most important bargaining weapon. They have no reason to return the prisoners if we insist on remaining in Vietnam until the South Vietnamese Government is secure.

The President's policy, in my judgment, condemns our prisoners to indefinite captivity. If the President would comply with the suggestion Congress has already made, that our negotiators be instructed to reduce our demand to the single demand, the condition of the re-

turn of our prisoners, I believe we can end the war in 30 days.

The Boland amendment merely implements the request we have already made and makes mandatory of the President that which we have already requested that he do, that we change our negotiating posture at Paris.

Mr. Chairman, I hope the House will adopt this amendment.

Mr. DOW. Mr. Chairman, I move to strike the requisite number of words.

(Mr. DOW asked and was given permission to revise and extend his remarks.)

Mr. DOW. Mr. Chairman, I rise in support of the Boland amendment. The hour is late, but there is still a chance that Congress can assert itself finally on the Indochina issue, and assume the leadership necessary to bring us out of that entanglement. Clearly the executive is not—in the foreseeable future—going to do it.

At present there is no writ, declaration or pronouncement to warrant U.S. intervention in Indochina. That irrevocable document, the Gulf of Tonkin resolution, was nullified by this Congress at the end of 1970. The appeal in that paper to the SEATO treaty was consequently abandoned. No authority remains.

We are in Indochina for no declared purpose. We are just there because we are there. It is clear, too, that, after we have gone, the solution and the conclusion will not be American at all. Whether it takes a week after we go, or a month, or a year or a decade, the solution will be a Vietnamese solution. And that they could have had long ago, if the United States had not chosen to interfere.

The commitment of so much of our resources, the loss of so much of our blood for undefined purposes in Vietnam, must be laid not only at the door of the executive, but also at the door of this Congress which stood listlessly by, all the time that the executive went busily about his futile work.

Through 7 years of warfare in Indochina, the Congress and the leaders of the responsible committees have cultivated legislative inaction like a flower. They have accepted a policy of congressional abdication and constitutional torpor.

They have not even required from the Executive an accounting of the cost of this adventure. For a time in the previous administration we received a total figure in the budget that was the annual cost of Vietnam. Yet the present administration has discontinued any such figure. The fault is no more his than ours, considering our woeful failure to insist upon it.

Two years ago the record showed expenditure of \$5 million in Cambodia. Now Congress is settling for figures in the hundreds of millions of dollars. When I went to Laos in 1967, our Ambassador showed me a cost estimate of our annual costs there that was approximating \$55 million. Today, truer figures have come to light showing totals for Laos, like Cambodia, running to hundreds of millions of dollars.

To the stupefying recital of our mistakes, losses, and wastes in Indochina, we

must add the dismal failure of this Congress to assume responsibility. Chloroformed by the slogan that the President is Commander in Chief, we have been willing to allow that this permits him to invade any land, expend our sons and drain our resources, without a warrant or leave from this Congress—and without any accounting of the cost.

When will there be a reassertion of the congressional prerogative as a coordinate branch of this Government? When will we become legislators again on foreign issues?

The time is now. Let us end not only the monstrous calamities that we have visited upon Indochina, but also the executive department's heedlessness of Congress which has been tolerated in this sleeping body for nearly 7 years.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. DOW. I yield to the gentleman.

Mr. PUCINSKI. The gentleman from Mississippi mentioned prisoners of war from other countries such as Australia and the Philippines.

I am under the impression that those countries have long ago withdrawn all of their troops from Vietnam.

I wish some member of the Committee on Armed Services would inform us if that is correct.

Mr. DOW. I cannot answer the gentleman whether the Australian or Korean forces have been withdrawn or not, but I do say this prisoner of war issue is being blown up and exploded into an immense issue which is offered to fog the main question—and that is the direction of our national policy overall in Vietnam.

Mr. DAVIS of Wisconsin. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

(Mr. DAVIS of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Wisconsin. Mr. Chairman, as I read this amendment, within the four corners of the paragraph, I must interpret it as an unconditional deadline for the use of any funds for the support of Americans in Vietnam.

Mr. Chairman, I do not believe there is any ambiguity which would permit anyone to read that amendment and come to a different conclusion. If that is so, it strikes a cruel blow at those who have fought and who are fighting, and to those who are prisoners of war in that part of the world.

But, if we say there is ambiguity which negates it as being unconditional, as the author of the amendment said when pressed and when he said, "Oh, no, this condition does not apply at all unless there has been a prior release of our prisoners."

Then, I submit this represents a cruel hoax upon our prisoners, upon their families and upon the American people.

We are told in the statement of the additional views that it has been stated by the negotiators in Paris that the prisoners are not going to be returned until a deadline for our military involvement has been established.

If we accept that at face value, it still leaves open the question about other

concurrent demands that are being made and that have been made and it certainly does not provide us with any assurance that if a deadline is established, the prisoners will be returned.

I certainly must challenge the credibility of anyone who asserts that once a deadline has been set, then the prisoners will be returned.

So here we have the inconsistency of the sponsors of this amendment on the one hand telling us that a deadline is contingent upon a prior release. In other words—no release—no deadline.

On the other hand, we are told that this nonexistent deadline will assure the release of the prisoners. I believe this amendment will condemn our prisoners and not help them. I strongly oppose it, and I hope we will not mislead those who yearn for the return of the American prisoners of war by giving them a guarantee which is no guarantee at all.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I am happy to yield to the gentleman from New York.

Mr. KEMP. I would like to commend the gentleman for his remarks. I would like to address the attention of the House to point 1 of the seven-point demands made by Hanoi which sheds light on what they really want. The quotation is this:

The United States Government must put an end to its war of aggression in Vietnam, stop the policy of "Vietnamization" of the war, withdraw from South Vietnam all troops, military personnel, weapons, and war materiel of the United States and of other foreign countries in the U.S. camp, and dismantle all U.S. bases in South Vietnam, without posing any condition whatsoever.

Mr. Chairman, it is clear that this is a call for the unconditional and unilateral surrender of the United States. This amendment should be defeated and I commend the gentleman for his remarks and his leadership on this issue.

Mr. DAVIS of Wisconsin. It certainly puts the lie to any intended assurance that once we set a deadline, that that is all that is required to assure the return of our prisoners.

Mr. KEMP. Mr. Chairman, will the gentleman yield further?

Mr. DAVIS of Wisconsin. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding. It is a great disservice I think to the people of this country and, to those who are watching and listening to this debate, to mislead them into thinking that this is a way to end war. The House of Representatives, by voting for this Boland-Mansfield amendment, is not going to end war. It has been said that you can elect who you want to be your leader but you cannot elect not to have a leader. We have an elected leader and he is bringing about more progress toward ending this war and given more hope for the kind of peace we want, than all of this rhetoric and I might add our desire is not just for peace now but peace for the future, and I suggest that we give our serious consideration to voting down this pernicious amendment. The way to help end this war is to shout loud and clear to Hanoi by this vote that we

want an honorable end to this war and an immediate return of our POW's and MIA's.

Mr. KOCH. Mr. Chairman, I move to strike the last word.

(Mr. KOCH asked and was given permission to revise and extend his remarks.)

Mr. KOCH. Mr. Chairman, I have listened to the debate and I was struck by the remarks of the distinguished Chairman of the Armed Services Committee (Mr. HÉBERT) who opened his remarks by saying, "I am weary." My thought at that moment was, this country is weary. This country wants the war ended.

Then Chairman HÉBERT said:

When are we going to stop debating the Mansfield amendment?

My thought at that moment was that we are going to stop debating the Mansfield amendment when we adopt that amendment, and not before.

Three gentlemen, at least three, took the floor in opposition to the Boland amendment, advancing as their arguments, that it does not do what the gentleman from Massachusetts (Mr. BOLAND) says it will. They say they find the language imprecise and that it does not specifically insure the prior or simultaneous release of our prisoners of war on the setting of the withdrawal date. The gentleman from Massachusetts tried to assure them that that was the intent. He felt that the language was adequate. The legislative history of the debate here would show that, but I ask those three men who took the floor if the language were all that you wanted with respect to insuring the return of our prisoners of war, which we all want, would you vote for it? Would you vote for it?

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I am delighted to yield to the gentleman from Arizona.

Mr. RHODES. The Military Procurement Act of 1971 contained language which indicated very strongly that it is the policy of the Congress that we want to get out of the war in Vietnam. I voted for it, but I do not have to do so every day to prove that I mean it.

Mr. KOCH. Let me respond to that by saying this: I believe it is important that this Congress—if it has the authority, the power, the desire, and the will to do so—debate this issue every day until those men are brought home and the war is ended.

Members have risen to commend the President because he is, they say, "winding down the war." Who will say to the fathers and the mothers of the 5 or 8 young American men who last week were killed in Vietnam that the war has been wound down? Or to those who may yet die before, in fact, the war is ended? To them it is not a question of winding down. It is a question of the deaths of their sons. That is why I say we should use every opportunity and amendment offered in this House to debate this war until it is concluded, not tomorrow, but today; not 6 months from now, but today.

And if the best vehicle presented to us today is that amendment offered by

the gentleman from Massachusetts (Mr. BOLAND) whom I applaud for leading us today and for having spoken so eloquently, I am going to support it. And if it is offered tomorrow on some other bill, I am going to speak and vote for it, as I will on every occasion when I can rise in opposition to that dirty and immoral war.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, I was very much impressed with the gentleman from Indiana and the gentleman from Maryland, who told of their sons in the war. I, too, have had a boy in Vietnam, a "grunt," a marine platoon leader, and he spent 13 months on the DMZ and won the Bronze Star in action.

I rise in support of the Boland amendment. I wonder whether or not any of those who have risen in opposition to the amendment have also suffered the anguish of a family who had a boy in Vietnam.

Mr. O'KONSKI. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, by way of background, I would like to go into a little personal history. I have always been a man of peace. I have been opposed to war when it was unpopular to be so. I was opposed, along with old Bob LaFollette, to our entry into World War I for which we were called traitors. It is different now. The biggest racket we have in the country today is the peace racket. There is more money collected in the name of peace and unaccounted for than any other racket in the country. But I am talking about a time when it was unpopular to be for peace and against war.

In the middle of World War II, in 1944, I was here and I introduced a resolution that we withdraw our troops from Europe then, because we could have had a separate peace with Germany, and we could have saved a great many people who were burned in gas chambers. We could have saved many of the people whose lives were lost at Anzio Beach and Omaha Beach and other places. We did not need to kill 135,000 women and children in Dresden, Germany, with bombs. We could have had peace before then.

The war in Vietnam, the Members will remember, had the first \$2 billion appropriation in 1954. I opposed it, and warned against our involvement there. I think we have had no business in Vietnam in the first place, and I think the sooner we get out of there, the better. We cannot get out of there too soon as far as I am concerned. In 1957, 1961, 1963, 1964, 1965-67 I opposed the war in Vietnam. Please heed my advice. The worst thing we could do in my judgment is to pass the Mansfield-Boland amendment. I will tell the Members why. Suppose the Mansfield-Boland amendment were in existence in 1954 when the French got defeated in Dienbienphu. Suppose the French had it tied withdrawal to the prisoners of war and an accounting for all the missing in action? The French would still be in Vietnam now, 17 years later.

Suppose we had tied the condition of the ending of World War II in Europe to the accounting for every single prisoner of war and missing in action? I know of 10,000 allied officers still unaccounted for in World War II in Europe. We would still have 5 million troops in Europe if we had tied it down to the accounting of missing-in-actions and the release of prisoners of war.

Suppose the Mansfield amendment were in existence in 1969 when President Nixon took office. We would still have 550,000 troops in Vietnam, because it would have been tied to the releasing of the prisoners of war and the accounting for all of the missing in action.

How can you be so naive? If we are going to tie withdrawal to the prisoners of war and those missing in action we will be in Vietnam for another 10 years. One gentleman said it very bluntly when he said we had 550,000 men in Vietnam, and we could not negotiate on the prisoners of war, so how in the world are we going to do it when we have only a residual force of 45,000 men and have served notice that we are going to be out of there completely as soon as possible.

If Members want to continue the war for the next 5 or 10 years—vote for the Mansfield-Boland amendment. Who is so naive as not to know the Communists use the prisoners of war in a completely different fashion from all civilized nations in the past. The Communists use prisoners for propaganda purposes. They are not concerned with our getting back our prisoners of war and getting them out of Vietnam. Mark you and mark you well we are going to have to pay a heavy ransom for the prisoners of war we have in Vietnam, and it is going to amount to billions of dollars, and it is going to take us 3 or 4 or 5 or maybe 10 years to negotiate it. Under the Mansfield-Boland amendment we will be compelled to keep troops in Vietnam during all that time. I want out now—not 5 or 10 years from now.

If you pass the Boland-Mansfield amendment conditioning our withdrawal of troops from Vietnam on the release of prisoners of war and the accounting for all MIA's you are voting to prolong the war in Vietnam for another 5, 10, or 15 years, and it is on your heads that you are prolonging the war.

Stripped of all its niceties the Mansfield-Boland amendment is another Tonkin Bay resolution in disguise. Do we want a repetition of that catastrophe? Think, listen, and learn; is not one Tonkin Bay resolution enough in our time? I think one is too much. Let us get out of Vietnam now—not 5 or 10 years from now, which is the real meaning of the Mansfield-Boland amendment.

Mr. O'NEILL. Mr. Chairman, I move to strike the requisite number of words.

(Mr. O'NEILL asked and was given permission to revise and extend his remarks.)

Mr. O'NEILL. Mr. Chairman, as the gentleman from Wisconsin just said, it has been 18 years since we authorized and appropriated \$2 billion and sent it over to Bao Dai and the French. It has been 18 years now that we have been involved in Indochina.

Children, who were babies at that time,

have now grown to adulthood. They have reached the age of 18, and we are still involved in Vietnam.

I recall years ago when I took the floor many times in favor of the war. It was with feeling that I rose in support of the war. And it is with feeling I rise at this time. I know how the distinguished gentleman from New Orleans feels. So many times I had gone to the area schools of my district supporting the administration's policy in Vietnam, until it occurred to me to check the other side of the issue.

Could we justify our involvement in Vietnam? As I stand here in this well today, I cannot justify morally, politically, or strategically in terms of the defense of this Nation any reason for being in Vietnam.

I truly have been moved by some of the speeches made in this House today, especially that one by my good friend Ed Roush, when he told about his son's experience in Vietnam.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts.

I live with EDDIE BOLAND. I know his thoughts and feelings and the work he has put into this amendment.

Under the Constitution the Congress has the right to declare war.

Under the powers of the Constitution, the Congress has control over the purse, and has the power to appropriate and authorize funds for the conduct of this war.

Under the powers of the Constitution, the Congress has the right to terminate the authorization and appropriation of funds for the conduct of this war.

Through this constitutional power of the purse, the end product is that the Congress has the right to terminate a war by setting a deadline for funding for the conduct of a war.

I am not standing here to criticize President Nixon's feelings and actions with regard to the war.

This amendment is not designed to tie the hands of President Nixon on the withdrawal of troops; nor does it tie his hands on negotiations over the release of prisoners of war. The amendment says nothing about the withdrawal of troops at the continued pace which the President has set forth. It does not affect his withdrawal program.

It does not affect negotiations, because the amendment is contingent on the release of prisoners of war. If the prisoners of war are not released by June 1, 1972, the amendment as offered by the gentleman from Massachusetts, (Mr. BOLAND) is not valid. The release of prisoners of war can only come through direct and indirect negotiations. These negotiations will continue regardless of this amendment, just as the troops will continue to be withdrawn regardless of this amendment.

What is the question that we are arguing? We have come to a divided line in American history, and this is the question: Should we continue to live with the war in Vietnam as we have for the past 18 years? Do you want a continuing presence in Vietnam of American troops for many years to come a reality? Or do you want the troops home by June 1 of 1972?

I, for one, want the troops home by June 1, 1972. I would have them home tomorrow if it were possible.

I believe the Boland amendment is an excellent amendment, and I urge Members to vote for it.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, those of us who have known our friend from Massachusetts, EDDIE BOLAND, for a long time know that among his many fine characteristics and attributes he is always frank, he is always candid; and, typical of those characteristics, today he was frank and candid with us in making two comments, among others, in support of his amendment.

First he said that this is the toughest, hardest amendment of this kind that this Congress has had on its doorstep. Second, the gentleman from Massachusetts gave credit to President Nixon for the program of Vietnamization which has resulted in a reduction of our manpower in Vietnam from 540,000 plus down to roughly 180,000 at the present time and the prospect of a further reduction to 139,000 come January 31, 1972.

These are honest, frank statements which all of us ought to appreciate and understand, and I, for one, especially appreciate the gentleman from Massachusetts candid comments.

Let me ask this question, recognizing that those were honest and frank statements by the gentleman from Massachusetts: At a time when the war is being ended, is it wise to approve the toughest, hardest amendment that the House of Representatives has faced on this issue?

In my judgment, the reverse should be true. If the President were not succeeding, if he had not accomplished a great deal, then I could understand somebody saying in frustration that the House of Representatives and the Congress of the United States ought to take tough action. But here is the President, without the help of any such amendment fixing a date for withdrawal or imposing other arbitrary conditions, who has reduced America's manpower commitment from 540,000 plus to 180,000. That achievement has been done without such an amendment. Why under these circumstances should we seek to impose upon the President the hardest, the toughest amendment that has come before the Congress?

It is my honest opinion that if the Congress approves this amendment with a deadline, it will destroy the potential for any further withdrawals. As a matter of fact, I think approval of this amendment would in effect stop withdrawals under the plan of Vietnamization that the President has implemented. It is my judgment that if this amendment is approved, it will in effect end any negotiations that would be meaningful. It would take away from the President, regardless of some of the comments made earlier, a trump card of the President for his negotiations, whether they are in Paris, whether they are in Peking, or whether they are in Moscow. If the Boland amendment is approved. The President would go to those negotiations with one less trump

card that he could use in the negotiations for the release of the prisoners of war and for the recovery of the missing in action and for the total termination of our military conflict in Vietnam.

Mr. Chairman, I say to the Members of this body as strongly as I can that any amendment with restraints of this kind will jeopardize the opportunities for the President to get our prisoners of war out and end this military conflict.

I say in conclusion we have on the statute books now not one but two statutory provisions that say we must get our prisoners of war back and withdraw all of our forces. I just do not know how many times you have to pile on the statute books another piece of legislation of the same kind.

I say to you this is bad legislation and it ought to be defeated. If you want the prisoners of war back, beat the Boland amendment.

Mr. DRINAN. Mr. Chairman, I rise in support of the amendment by my colleague from Massachusetts, Congressman BOLAND, to the Department of Defense appropriations bill for fiscal year 1972. The amendment would prohibit the use of funds "to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos, or Cambodia after June 1, 1972," subject to the release of American prisoners of war.

This amendment, the latest and most promising in a series of attempts to assert the will of the overwhelming majority of the American people with respect to our Indochina policy, rises in an unparalleled political, constitutional, and historical context.

Politically, this amendment represents the last clear chance for the Members of this House to vote their consciences on the Vietnam war. Some of our colleagues have previously declined to support such an amendment on the ground that the President would soon declare a definite withdrawal date. Those well-intentioned expectations have, tragically, not been realized. In the absence of Executive willingness to establish a deadline, Congress has a greater responsibility to do so in light of the overwhelming expressed desire on the part of the citizens of our country for such a deadline.

In a constitutional sense, this amendment is historic because it arises in the wake of the recent decision by the U.S. Court of Appeals for the First Circuit in the case of Massachusetts against Laird. In that case, the Commonwealth of Massachusetts had challenged the legitimacy of the war in Vietnam on the ground that Congress has never voted a declaration of war. The court rejected the claim, stating that Congress has constitutionally sanctioned the war by voting appropriations for it. In its opinion, the court stated:

In a situation of prolonged but undeclared hostilities where the Executive continues to act not only in the absence of any conflicting claim of authority but with steady Congressional support, the Constitution has not been breached. The war in Vietnam is a product of the President's supportive action of the two branches to whom the congeries of the war powers have been committed.

The decision in Massachusetts against Laird by the highest Federal court yet to rule on the war's constitutionality, removes any question of the appropriateness of the Boland amendment. It can no longer be argued that the appropriation process can be separated from the legitimacy of the war. If we fail today to pass this amendment we will explicitly be ratifying the continuation of a policy which we know to be a catastrophe.

This amendment would not improperly restrict the President with respect to any attempts which he may be making to secure the release of prisoners of war. The amendment would not take effect unless our prisoners of war were returned. Moreover, based on the sum total of evidence from all sides on this question, I do not believe that we can realistically expect to obtain the return of our prisoners of war in the foreseeable future unless we pass this amendment today. The official organization of the families of our prisoners of war and missing in action has endorsed the Boland amendment.

I will not insult the intelligence and concern of my colleagues by again reciting the tragic consequences of the Vietnam debacle. Now that every theoretical underpinning of this holocaust have been proved wrong—including the so-called domino theory and the ridiculous charade which resulted in the ascension to power of Thieu—we must act. Every day we sanction the sacrifice of another life of another Asian or another American on the altar of the South Vietnamese dictatorship we are perpetuating an injustice of ghastly proportions.

Mr. Chairman, I have recently completed a comprehensive review of the nine volumes of hearings of our Appropriations Committee on this bill. If any one theme emerged from those hearings, it was, I regret to state, that we have not learned the lesson which the excruciating evidence of our policies in Southeast Asia should have taught us. Even as the committee today recommends a defense appropriation of \$71.05 billion—an increase of \$1.47 billion above the amount appropriated last year—we continue to be mired in the rhetoric of the 1950's and 1960's. I deplore this increase in appropriations, and I believe the military budget is grossly disproportionate to our national security needs.

Buried in the ninth volume of the Appropriations Committee's hearings, in small print, is a statement by the distinguished former Senator from Pennsylvania, Joseph S. Clark. I associate myself with Senator Clark's statement and commend it to the attention of my colleagues.

Among other things, Senator Clark states:

That we could safely cut the President's \$78 billion budget to no more than \$60 billion. In coming to this conclusion we believe:

Our military policy is obsolete in the light of our overall foreign relations today. The administration has proposed a bill for offense rather than defense. It is not isolationism to suggest that we pull in all over the world our conventional forces, eliminate many of our bases and confine our strategic

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power to eliminating overkill and assuring that no enemy would dare stage a first strike against our country.

These excessive military expenditures are tearing the country apart—both our economy and our relationships with each other. Our needs at home to feed the hungry, to clear our air and water of pollution, to rebuild our cities, should have a higher priority than the ever-increasing demands of the military.

These excessive military expenditures are the principal reason for the galloping inflation from which we have been suffering, for the fantastic deficit we are facing in the Federal budget for this and the next fiscal year, for the incredible deficit in our international balance of payments which goes on and on without check. In short, we are running out of money.

Mr. Chairman, I also specifically endorse the following recommendations for defense budget cuts made by Senator Clark in the course of his testimony:

(1) Stop appropriating money for the development and deployment of the ABM. It won't work. In view of the President's statement of May 20, we should certainly freeze ABM deployment and R. & D. appropriations pending the results of the SALT talks.

(2) Abandon development and production of the B-1 strategic bomber. It is obsolete before it gets off the drawing boards. The B-52 is completely adequate for any future strategic bombing needs. Between the submarine nuclear threat and intercontinental ballistic missiles we do not need a third offensive nuclear system. The Russians have stopped spending money on their intercontinental strategic bomber. The time factor alone makes nuclear bombers obsolete.

(3) Freeze all strategic weapons at their present strength. Our present overkill is enough, many times over, to deter Russian or Chinese attack.

(4) Deploy no more MIRV's and encourage our negotiators at SALT to work to eliminate multiple warheads as part of an arms control agreement.

(5) Cut back the authorization for military manpower to 2 million or less. As we withdraw from Indochina determined to have no more Vietnams, general purpose forces of 2 million are quite adequate to defend U.S. territory against attack and to participate on an appropriate basis with other states through the United Nations or otherwise in peacekeeping and peace-making efforts in the Middle East, Europe, Asia, and elsewhere.

(6) There are a number of obsolete and obsolescent weapons systems on which no more money should be spent. Among these are:

(a) SAGE and AWACS. Air defense is ridiculous in the modern strategic military world.

(b) Another nuclear aircraft carrier. It must be remembered that the surface navy of all nations is vulnerable to destruction in the event of war. Either torpedo boats or submarines can destroy not only aircraft carriers supporting surface vessels by attacks launched out of range of the guns of the surface navy. Similarly, an aircraft can wreak the same havoc.

(c) Further purchase of C-5A troop carrier airplanes. We have enough now to support legitimate foreign policy objectives.

(d) Antisubmarine warfare expenditures. As in other areas of modern warfare the offense is so far ahead of any conceivable defense that ASW is obsolete.

(e) Chemical and biological warfare expenditures. This department of the armed services should be phased out except for defensive measures.

(f) The 22 tactical air wings are far too many. We could eliminate at least five and still have plenty for conventional warfare purposes.

Mr. Chairman, I hope that for all of the foregoing reasons, a majority of the Members of this House will support the Boland amendment and will also support prudent and essential reductions in our military budget, including the reductions which our distinguished colleagues from Wisconsin and Michigan, Congressman ASPIN and Congressman RIEGLE, propose.

I, for one, shall continue to seize every opportunity to reassert the proper social role of those who design and execute our military policy.

Mr. COTTER. Mr. Chairman, I rise in support of the amendment offered by my good friend from Massachusetts (Mr. BOLAND). This amendment, as is well known, will cut off funds for Indochina pending only the release of prisoners of war.

This amendment restores the critically important specific end date that was removed in the conference versions of the Department of Defense authorization bills. I believe, as I have stated in the past, that the Congress continues to have the responsibility for legislating an end to this war. I know there are many Members who believe that total discretion in this matter should be vested in the President. I cannot disagree more strongly.

All of my actions on Vietnam during this, my first term, have been to place more responsibility on the Congress in this area of foreign policy. For example, one of my first legislative actions was to cosponsor the Vietnam Disengagement Act. A short time later, I signed a letter of intent—the O'Neill letter—to vote for all amendments which would end the war by congressional action. I voted for the Nedzi-Whalen and the Mansfield amendments in their original form which specified a specific time to end the war.

Mr. Chairman, I submit that we have honored our obligations in Indochina. Fifty thousand U.S. casualties, innumerable deaths of Southeast Asian peoples, and over \$250 billion in U.S. military supplies dictate that the Congress act responsibly and effectively in legislating an end to this tragic war.

I urge all Members to cast their votes in favor of this amendment.

Mr. GRIFFIN. Mr. Chairman, I rise in opposition to the Boland amendment. Just as every other Member of this body, and every citizen in our country, I hope and pray for an early conclusion of the conflict in Southeast Asia. I know of no one who wants war, except Communists in that area.

I do not think this amendment is the proper way to end the conflict there. If we are going to pull out of Southeast Asia, and turn our back on a long and rich history of honor and integrity, we should do it in the proper way. The proper way would be for us to renege on every treaty obligation we have around the world.

We should cancel treaty arrangements with SEATO, NATO, Middle East countries, and all others, if we are determined

to abandon our position of leadership in the world, and if we are to serve notice that we will not help anyone who fights Communist aggression.

We have solemn treaty obligations. I am not saying that they are right or wrong, but we have them. In my judgment, we should either honor those obligations, or we should abandon them—all of them, not just the one affecting South Vietnam.

I have been amused to hear on the floor that one reason for the Boland amendment is that there were no free elections in South Vietnam this year. I would ask those who hold to that position, how many free elections are there in Africa, in South America, in other Asian countries? The advocates of that position do not suggest that we abandon our obligations to those nations—they single out only South Vietnam.

I have also heard it said on the floor that we should get out of Southeast Asia because the government there has corruption in it. What about the New York City Police Department? Should we abandon every aid to New York City?

Mr. Chairman, we have to put first things first. The honor and glory of my country comes first with me.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of the Boland amendment to H.R. 11731, which would establish June 1, 1972, as the termination date for all U.S. military operations in Indochina, subject to a return of all American prisoners and an accounting of those missing in action.

Why should a person support this amendment? There are many reasons:

First, to stop the death and destruction. I have heard people say, "Why, only five Americans were killed last week."

Mr. Chairman, that is five too many. One more life, one more amputee, one more prisoner of war is far too large a price to continue to prop up the Thieu regime.

Second, to return our American prisoners of war and to account for those missing in action. Mr. Chairman, as each day passes, as more and more servicemen return from Indochina, our power to bargain with the North Vietnamese and the Vietcong is gradually eroded. As each day passes, we have less and less to offer the North Vietnamese and the Vietcong in order to gain the release of our men.

The President has announced plans to withdraw, but he insists upon a residual force remaining in South Vietnam. Next year, when we have this residual force in South Vietnam, will this release our men?

I believe that, today, when we have the most power, is the best time to negotiate a release of our prisoners. Tomorrow, or next month, or next year, may be too late—our power may have weakened to the extent that we have nothing to offer the North Vietnamese, and Vietcong in exchange for our prisoners of war.

In addition, Mr. Chairman, on July 1, 1971, the Vietcong presented a new "seven-point peace plan" to the talks in Paris. The key element of the plan was an offer to release U.S. prisoners of war

in return for a withdrawal deadline. Prior to this commitment, they had merely offered to "discuss" release of prisoners.

Mr. Chairman, the POW/MIA Families for Immediate Release, a nonpartisan organization composed of parents, sisters, wives, and children of prisoners of war and missing in action, stated in July:

We feel our government's obligation to the American prisoners now should take precedence over its obligation to the government of South Vietnam.

And they go on—

In accordance with this, we have been working for the establishment of a termination date for U.S. military operations in Indochina in conjunction with the return of all prisoners and an accounting of the missing in action by the date.

Mr. Chairman, I agree.

Third, U.S. prestige. How can we continue to advocate freedom and liberty on the one-hand, while, with the other, we prop up the regime of a man who, by hook or by crook, kept all other contenders off the ballot in the recent election?

Fourth, to heal our divided country and put our resources to work in this country. The alienation, the hate, the divisiveness, that we have seen—we must, once more, direct our efforts, in a united campaign, to accomplish the goals that we seek here at home: Better housing, improved education, pollution control, social justice, a stable economy.

Mr. Chairman, this Nation is great, our people are good—we want to work for a purpose, but surely not for those purposes which have led to over 360,000 American deaths and casualties in Vietnam, surely not for an uncontested, one-man referendum, that is paraded under the label of democracy.

Mr. Chairman, I feel that we must end the war, bring out troops and prisoners home, and account for the missing in action.

Mr. Chairman, I vote for the Boland amendment.

Mr. DORN. Mr. Chairman, I rise in opposition to the Boland amendment to arbitrarily set a date of June 1, 1972, for the termination of all American air, ground, and sea power in Southeast Asia. It is not in the interest of peace and a final settlement with honor of this unfortunate conflict. I know of nothing which would please the Communist aggressor more than to have a definite date this far in advance toward which they could make their sinister and diabolical plans. This amendment would tie the President's hands and place him in an impossible position to negotiate successfully in Peking.

We must maintain some bargaining power and room for discussion and maneuver. Complete abandonment of our every single endeavor on a given date could contribute to aggression and war in some other theater.

The Red China delegation at the United Nations is already demanding total and abrupt U.S. withdrawal from South Korea and Taiwan, as well as Thailand, Cambodia, Laos, and South Vietnam.

President Nixon is withdrawing our troops from South Vietnam ahead of

schedule. He is becoming disentangled from this conflict as rapidly as possible. I urge the House to take no action today which would threaten the President's Vietnamization program and endanger the lives not only of American prisoners but of our men as they withdraw.

Mr. Chairman, I respect and admire the distinguished gentleman from Massachusetts (Mr. BOLAND). I know that he is sincere and feels very deeply about this war and I know of his concern for the prisoners. But I urge this House, in the interest of long-range peace plans and long-range security, to reject the gentleman's amendment. I will vote against the Boland amendment and urge my colleagues to reject this amendment.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

(Mr. MAHON asked and was given permission to revise and extend his remarks.)

Mr. MAHON. Mr. Chairman, I am in complete opposition to the Boland amendment because I am in complete support of effective efforts to bring the war to an early and honorable end and to secure the release of Americans held as prisoners of war.

In my opinion the Boland amendment will not serve the best interests of peace or the prisoners of war. I have the greatest respect for the author, the gentleman from Massachusetts (Mr. BOLAND) but I feel the proposal represents an unsound approach to the problem.

Mr. Chairman, some are speaking as though there had been no change in the situation in Southeast Asia. But by the end of January about 80 percent of our Forces will have been withdrawn. Yet some talk as though there has been no change. This does not square with the facts of the situation.

To impose an arbitrary withdrawal date on the President and assume the frightful responsibility of failure or disaster when it is clear from the President's statements and actions that American involvement in the war is moving toward termination, could have disastrous consequences, and I think we all know it. To cut off funds arbitrarily when the objectives we have established—South Vietnamese capability to handle its own security—appears to be possible of realization would be to risk grave consequences.

The American people have indeed made a massive investment in lives and in our efforts in Southeast Asia. There are those who are willing to throw that aside and seek to receive no benefit on the part of the greatest Nation on earth from this tremendous sacrifice. This is difficult to understand.

Mr. Chairman, the cost in lives to the South Vietnamese, of course, has been much greater. This is not the time to ask whether the effort should have been undertaken.

The war has proceeded with the support of the Congress and now is not the time to argue about whether we should have gone into Vietnam.

The war is ending. It will be ended. The only question is how and when we complete our American military involvement. Will we seek to follow through toward a

reasonably acceptable conclusion—at least a semisuccessful conclusion—or do we wish to court disaster.

Our objective in this conflict is a South Vietnam that can stand alone, and this cannot be accomplished in 6 months. And no one can guarantee that this objective will be fully achieved. But we are virtually certain to lose that objective if we end all American involvement at a fixed date 6 months from now. Are we going to accept the proposition that our losses and our sacrifices have been in vain? I do not think so.

To adopt the Boland proposal would involve trading a very good chance of success for almost certain failure. We have stayed together in this Congress over a long and arduous course. We should not, in one final moment of disappointment near the end, forego all prospects for a favorable outcome. It is unthinkable that any Member would want an unfavorable outcome.

We did not do it in Korea. We protected our investment. We made sure that we capitalized on the sacrifices we had made.

Yes, Mr. Chairman, we are near the end. American combat deaths, as high as 500 per week 3 years ago, have been less than 10 in each of the past 5 weeks. None of us will be content so long as there is even one. Let us not lose sight of how far we have come.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIKES. Mr. Chairman, I ask unanimous consent that the gentleman from Texas may proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. DRINAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. YATES. Mr. Chairman, I move to strike the requisite number of words.

(Mr. YATES asked and was given permission to revise and extend his remarks.)

Mr. YATES. Mr. Chairman, I yield to the gentleman from Texas (Mr. MAHON).

Mr. MAHON. I thank the gentleman for yielding.

The Boland amendment would tie the President's hands at an extremely critical time, and would—undoubtedly—tend to cripple and undermine the efforts of the South Vietnamese.

Mr. Chairman, the Vietnamization program has gained momentum and we hope it will succeed. It can succeed if the problem is handled wisely by this country and South Vietnam. The South Vietnamese, with our help, are rapidly improving their armed forces. Their readiness to successfully defend themselves without U.S. support or assistance cannot be made to coincide with a predetermined and arbitrary timetable.

Vietnamization is designed to permit our total withdrawal from direct military operations without jeopardizing the departing U.S. troops.

The President must have sufficient flexibility to continue support for the South Vietnamese forces. We should not abrogate our responsibility to continue to provide materiel and maintenance sup-

port through a military advisory mission of some sort.

We must make sure that we have a shield to protect our withdrawing forces. Continuing U.S. air support is critical while the Vietnamese increasingly assume responsibility for their own defense. The safe withdrawal of U.S. forces depends upon the availability of adequate air support.

The readiness and capability of South Vietnamese Armed Forces is dependent upon the phased transfer of equipment, ground operations, and air support in terms of South Vietnamese capability to increase their forces and readiness. While impressive progress has been made, it would be impossible to accomplish all aspects of Vietnamization by June 1, 1972, in a manner that would give maximum assurance of the integrity of the South Vietnamese forces.

In short, Mr. Chairman, what does an arbitrary deadline at this moment gain us? It could result chaos in South Vietnam with the North Vietnamese coming on strong against off-balanced South Vietnamese forces with the Americans in the process of pulling out precipitously caught in between.

Why should we voluntarily relinquish a prime position of power which we now possess in our determination to regain our prisoners? Why should we relinquish a position of power in dealing with the Communists which could permit us to end the conflict in Indochina under conditions reasonable men would call honorable?

The President is planning to visit China and Russia in 1972. Obviously he has a negotiating plan. We should not deprive him of negotiating power and options by fixing a total unilateral withdrawal date from South Vietnam. It would be cruel indeed to pull the rug out from under the President of the United States when he as President of this great country meets officials in Peking and Moscow.

The efforts which we will yet be required to make in connection with the conflict in Southeast Asia are small indeed compared to what we have done in the recent past. Yet this last small increment of effort—this exercise of prudence—is crucial to a maximum chance of realizing the objectives we sought. This amendment would minimize if not eliminate our chances. This is not the way to make foreign policy. The amendment should be soundly defeated in the interest of the prisoners of war and in the interest of peace.

Mr. YATES. Mr. Chairman, I should now like to speak in my own right, if I may.

Mr. Chairman, I yielded to the gentleman from Texas because I consider him to be one of the most respected and distinguished Members of the House. When he speaks the House must listen. As it happens, I do not agree with his views on this subject, but GEORGE MAHON is entitled to be heard.

The gentleman has said that the war is being won; that the war—

Mr. MAHON. I said that the war is being wound down. I did not say the war was being won but I hope it is being brought to an honorable conclusion.

Mr. YATES. I was under the impression that the gentleman said that the war is being won, however, I will accept the gentleman's statement that the war is being wound down.

That winding down process has taken an enormously long time, and will go on and on unless the Congress acts.

That point was assured by the President's statement today on the Mansfield amendment. He said when he signed the military authorization bill that even though the Mansfield amendment is the law he does not agree with it and will not follow it.

Yes, troops have been withdrawn from time to time. There have been reductions in the number of troops in Vietnam. Yet, the Secretary of Defense said the other day to the press that he envisioned that there would be a residual force in Vietnam for some time to come—that the Air Force would continue to stay in Vietnam.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. YATES asked and was given permission to proceed for 2 additional minutes.)

Mr. YATES. The President's statements and his goals are certainly not clear.

The distinguished gentleman from Ohio (Mr. MINSHALL) used the phrase, in describing President Nixon's goals that we have heard over the last 10 years. I remember President Johnson saying the same thing—that our goal in Vietnam is to make sure that all foreign troops get out. This was the goal, too, of President Eisenhower and of the Kennedy administration as well.

The thing I am very concerned about is that this might be the goal of the next administration, also as the distinguished whip mentioned—we have come to a fork in the road. We must make our choice. The issue is clear. We must decide whether we shall say the war must end on June 1, 1972, or whether we shall continue on the same path indefinitely we have followed for years in the vague hope that some day we will get out of Vietnam.

Mr. MAHON. Mr. Chairman, I thank the gentleman for yielding.

The CHAIRMAN. For what purpose does the gentleman from Alabama (Mr. ANDREWS) a member of the committee rise?

Mr. ANDREWS of Alabama. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in view of the fact that the gentleman from Illinois graciously yielded most of his time to our chairman, I yield to my friend, the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the point I wanted to make was it is essential that we, in the Congress, take action today. This is the first real opportunity that we have had for a vote on the question of cutting off funds.

The gentleman from Michigan, the distinguished minority leader, talks of voting for the Mansfield amendment time and again. That may be true, but this is the first opportunity we have had to im-

plement the Mansfield amendment by using the recognized congressional power. The Congress has the authority to end this war by its control over the funds.

Mr. Chairman, I shall vote for the Boland amendment and urge my colleagues to do so.

Mr. Chairman, I thank the gentleman from Alabama for yielding.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman.

Mr. SIKES. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the statement has been made, I believe, by my good friend, the gentleman from Illinois, that we do not know the goals of the President in Southeast Asia. Well, let me help to clarify that picture—here are the goals of the President set forth in his own words in the statement he made today at the time he signed the Military Procurement Authorization Act.

Here are the goals of the President, and I quote:

Our goal and my hope is a negotiated settlement providing for the total withdrawal of all foreign forces including our own and for the release of all prisoners and for a cease fire throughout Indo China. In the absence of such a settlement or until such a settlement is reached, the rate of withdrawal of United States forces will be determined by three factors—by the level of enemy activity, by the progress of our program of Vietnamization and by the progress toward obtaining the release of all of our prisoners wherever they are in Southeast Asia and toward obtaining a cease fire for all of Southeast Asia.

It could not be stated any more clearly and I hope that answers all questions about the President's goals in Southeast Asia.

Mr. ANDREWS of Alabama. I yield to the gentleman.

Mr. PUCINSKI. I wonder if the gentleman from Florida would not care to tell us if those same goals were not the identical goals of President Eisenhower, President Kennedy, and President Johnson ever since we have been there.

So what is changed in this manifesto that the gentleman just read?

Mr. SIKES. If the gentleman from Alabama will yield further, I think perhaps the fact that 80 percent of the troops have been brought home or will be at a specified time, should answer the gentleman's question about the new and positive efforts being made by President Nixon to bring the conflict to an end at the earliest possible date.

Mr. ANDREWS of Alabama. Mr. Chairman, I am supporting the President in his effort in this program of Vietnamization.

I am concerned about the future and the fate of our unfortunate prisoners of war. I would like to hear from some person who is near the President as to what the President has in mind and what he plans to do. We cannot negotiate. They will not negotiate with us.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Let me respond by simply saying that I know the President is personally doing all he can

through every avenue and through all sources to achieve a negotiated settlement. I do not think it would be wise for him to tell me or anyone in similar circumstances the precise places and people. I do not think it would be wise for him to tell that to others in comparable positions or otherwise in the Congress. But knowing the President, as I think I do—I have for 23 years—and having asked him much the same question the gentleman has asked me, and getting him to respond, I say, to the greatest possible degree, both as to time and as to place, he is seeking to end the war by negotiation. I believe him, and I think in the meantime, as we negotiate, we are accomplishing the end of the war in a way that will achieve to a degree the ends which we desire.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. RYAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 45 minutes.

Mr. DELLUMS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 45 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

PARLIAMENTARY INQUIRY

Mr. LONG of Maryland. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONG of Maryland. Mr. Chairman, I was not standing at the time so my name should not be included in the list, and I also want to ask a question.

The CHAIRMAN. The gentleman's name will be stricken from the list.

Mr. LONG of Maryland. Mr. Chairman, I want to ask this question. Are those who have already had 5 minutes under the 5-minute rule entitled to speak again?

The CHAIRMAN. They are.

The Chair recognizes the gentleman from Connecticut (Mr. MONAGAN).

(Mr. MONAGAN asked and was given permission to revise and extend his remarks.)

Mr. MONAGAN. Mr. Chairman, I have supported the Nedzi-Whalen amendment and the various modifications of the Mansfield amendment which have placed the Congress on record as favoring a definite end to the war in Vietnam and I yield to no one in the firmness of my belief that such a prompt termination is one of the essentials for bringing about the necessary reconciliation of various elements in our society.

At the same time, I feel that the Bo-

land amendment goes too far. It would make impossible the spending of one penny by the President after June 1, 1972, in Laos, Cambodia, or Vietnam regardless of how meritorious the expenditure might be and in my judgment without regard to whether or not it related to the withdrawal of troops or the carrying on of other defensive and protective measures.

It seems to me important to note that the general situation has changed remarkably over the period of the last year. The President has not only announced but he has carried out a program of withdrawal of combat troops from Vietnam. This program has gone so far that it is beyond the point of no return and with each withdrawal the credibility of the President's statements is increased. At the same time, whether a specific date has been announced, an approximate date is being established by implication from the facts of the situation. The President has also stated that another announcement would be forthcoming February 1, 1972.

The question is whether the Congress should undertake at this point when future developments and problems are necessarily unpredictable that not one dollar shall be available to the President after the first of June next year. I do not wish to take the position that the President might find himself needing money for a desirable and necessary activity generally related to withdrawal and reduction of force but be unable to find the necessary funds because of a vote of the Congress.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin, (Mr. ZABLOCKI).

(Mr. ZABLOCKI asked and was given permission to revise and extend his remarks.)

(By unanimous consent, Mr. DAVIS of Wisconsin yielded his time to Mr. ZABLOCKI.)

Mr. ZABLOCKI. Mr. Chairman, I thank my friend, the gentleman from Wisconsin (Mr. DAVIS), for yielding his time.

Mr. Chairman, I rise in opposition to the Mansfield-Boland amendment, but before speaking on that subject, I desire to share with the Chairman and the Committee Members a matter of considerable importance involving Government printed documents, a development which has recently been brought to my attention.

It is, I believe, a question which should be of concern to the Members of the Congress as a whole, and especially to the Joint Committee on Printing.

As the Members know, the Subcommittee on National Security Policy and Scientific Development of the House Foreign Affairs Committee has been conducting hearings for some time on the issue of POW's and MIA's in Southeast Asia.

Throughout the course of those hearings, the subcommittee has conscientiously abided by the principle of fairness and balance. Recognizing the broad range of views on the issue, the subcommittee invited and heard witnesses expounding all sides of the U.S. POW-MIA question and problem.

The published proceedings of those hearings amply reflect the impartial and balanced nature of the hearings.

Therefore, I was shocked and dismayed when a bastardized and deceptive version of one set of hearings published by the subcommittee was called to my attention. Photographically reproduced by a New York organization known as Clergy and Laymen Concerned, the hybrid version to which I refer has selectively culled only those statements and portions of the original document which generally expound an anti-Vietnam position. It is, in short, slanted, biased, and unbalanced, and yet purports to be an official reproduction.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(By unanimous consent, Mr. RHODES yielded his time to Mr. ZABLOCKI.)

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman from Arizona (Mr. RHODES) for yielding his time.

Since Government documents are printed with appropriated funds—the tax dollars of the American public—there is much to commend the policy of allowing Government materials such as hearings and reports to fall within the public domain. They belong to the people, all the people. To allow wider distribution, the reproduction of Government documents is laudable.

However, I do feel that this recent experience suggests the desirability of amending the rules and regulations regarding Government printing so that slanted reprints of congressional hearings and reports will be prevented.

I would therefore recommend to my distinguished colleagues on the Joint Committee on Printing a review of this entire question. More specifically, the committee may consider, for example, a revision in the rules and regulations requiring reprinting of documents in full, except with the specific written authorization of the chairman whose committee print may be involved.

My purpose is certainly not to stifle or in any other way impair the dissemination of valuable information frequently found in Government documents. Rather—and most emphatically—it is a matter of assuring the very fairness and balance the American people have come to expect and deserve.

Further, I would of course be pleased to discuss the question in greater detail with the Joint Committee on Printing and share with them the material in question.

Mr. Chairman, this biased and excerpted reproduction is available for 95 cents per copy from Clergy and Laymen Concerned About Vietnam located at 475 Riverside Drive, New York, N.Y. It is my understanding the organization sent their perverted version to families of POW's/MIA's. Obviously to misinform the recipients. Rev. Richard R. Fernandez, director of Clergy and Laymen Concerned About Vietnam was listed as a member of the steering committee—the committee of liaison. Other members of the steering committee include Mrs. Cora Weiss of Women Strike for Peace; Mr. David Dellinger of Liberation magazine; Mr. Richard Barnett, co-

director of the Institute for Policy Study; Mr. Richard Falk, professor of international law at Princeton University; Mrs. Anne Bennett, Women Strike for Peace; Mr. Rennie Davis, peace activist; Mrs. Ethel Taylor, Women's Strike for Peace of Philadelphia; and Mr. Stuart Meecham, peace education secretary of the American Friends Service Committee.

All are reported in support of setting a deadline date thereby insisting on the early release of our prisoners of war.

Mr. Chairman, during the debate on the Defense appropriation bill and in recent months repeatedly it is stated that if the United States would only withdraw the troops from South Vietnam the POW's would be released and the MIA accounted for. The truth of the matter is that Mme. Nguyen Thi Binh, Minister of the provisional government of South Vietnam and other spokesmen for Hanoi have reported: In case the U.S. Government declares it will withdraw from South Vietnam and those of its allies—the people's liberation armed forces will refrain from attacking the withdrawing troops; and the parties will engage at once in discussions on, first, insuring safety for the total withdrawal and second, the question of releasing captured military men.

Mr. Chairman, it is clear if the United States will announce the unilateral withdrawal of U.S. troops at best the Viet Cong and Hanoi will then begin to discuss the POW/MIA issue. Certainly field-Boland amendment to name a date should our country, our President be compelled by the provisions of the Mansfield-Boland amendment to name a date certain, June 1, 1972, as the date all U.S. troops will be withdrawn would negate every effort to stabilize the situation in South Vietnam and—what is more important—such action will seal the doom of our POW's/MIA's.

The veracity and trustworthiness of the harbingers of solutions from Hanoi and Paris must indeed be questioned, particularly if these same characters have demonstrated their sensitivity for truth and fact as evidenced by the POW's/MIA's hearing reprints they disseminated.

Mr. Chairman, in behalf of national security and interest, the safe return of our servicemen in Vietnam, the early release of our prisoners of war, the accounting for our servicemen missing in action, and for the interest of continued stability in South Vietnam, I urge that the Boland amendment be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BURKE).

(Mr. BURKE of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. BURKE of Massachusetts. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague and good friend from Massachusetts, Congressman EDWARD P. BOLAND. The amendment would only accomplish what we have been trying to do in the House for the past year now and that is to establish a date certain. Having established a commitment to a date certain as a matter of record, with

the inclusion of the modified Mansfield amendment in the recent conference report on the military procurement bill accepted by both Houses of Congress, it is now time that we go on record with a specific date.

The newspapers have been filled with reports the past few days that U.S. military operations will have been terminated in Indochina by the end of June next year. This only confirms what many of us have been saying for some time, that in view of the strong feelings in this country against the war, in view of every poll taken on the subject, the administration could not possibly go into the next election without having terminated U.S. involvement in southeast Asia. If this is the case and all we are doing here is recognizing reality then why the opposition to this amendment?

Before the opponents reply by asking me the question "if these reports are true, why is this amendment necessary?", let me reply by saying that I think it is necessary to show we mean business through the historical means at our disposal; namely, through the exercise of Congress' control of the pursestrings. The amendment would also assure that we would not still be involved in hostilities in Vietnam through the device of residual forces which all of the press reports just referred to seem to indicate is part of the administration's thinking at this moment.

The amendment also would serve notice to the North Vietnamese that they have a chance to perform and honor their promises to release all American prisoners and give an accounting of Americans missing in action, once this Government announces its intention to terminate action in Vietnam by a date certain. In other words, in voting for this amendment, I find no difficulty in reconciling this vote with my long standing position that we have a moral responsibility to see to it that we gain the release of all American prisoners of war. It is time in fact, that we lived up to our promises to the distraught relatives of these men by honestly exploring every avenue to secure their release. This is the one avenue that, as yet, is unexplored. I can think of no better reason for voting for this amendment than the removal of the prisoners of war and missing in action issue from the controversy surrounding the war. This could extricate these men not only from their prisons but from their involvement in all the controversy over the war. Hopefully, the issue would no longer be the political football it has been until now.

In short, the amendment will be evidence that Congress is no longer supporting a war which has gone on far too long—as the courts claim we have until now. This date certain still gives the administration plenty of time to prepare for an orderly withdrawal—far too long when you come right down to it. Each day any more lives are lost in this war is a tragic indictment of a bankrupt policy. It is time to start saving lives instead of saving face. My only regret is that the date certain is June 1, 1972, instead of June 30, 1971, as provided in House Resolution 1013, of which I was

one of the original cosponsors back in May of 1970.

(By unanimous consent, Mr. BINGHAM yielded his time to Mr. BURKE of Massachusetts.)

Mr. CAREY of New York. Mr. Chairman, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from New York (Mr. CAREY).

(Mr. CAREY of New York asked and was given permission to revise and extend his remarks.)

Mr. CAREY of New York. Mr. Chairman, I rise in support of the Boland amendment to the defense appropriations bill.

The Boland amendment would prohibit the use of funds to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos, or Cambodia, after June 1, 1971, subject to the release of all American prisoners of war.

The Boland amendment is in complete accord with U.S. policy as provided in title VI—the compromised Mansfield amendment—of the Military Procurement Act of 1971 since it terminates our participation in the war contingent only upon the return of our POW's. Of course the most significant section of the Mansfield amendment—the 6 months withdrawal deadline—was dropped in conference. The Boland amendment will reestablish this critical termination date and furnish the basic means for the implementation of that provision.

We in Congress can no longer maintain that the appropriations process should be separated from the legitimacy of the war. In a recent first circuit court decision, Laird against Massachusetts, the court found that the Congress has a clear responsibility for the Vietnam war by virtue of the annual appropriations of funds to implement the President's policy. The court opinion states, in part:

All we hold here is that in a situation of prolonged but undeclared hostilities, where the Executive continues to act not only in the absence of any conflicting Congressional claim of authority, but with steady Congressional support, the Constitution has not been breached. *The War in Vietnam is a product of jointly supportive actions of the two branches to whom the congeries of war powers have been committed.*

In view of the overwhelming desire of the people of this Nation to terminate the fighting in Southeast Asia, Congress has an urgent duty to approve the Boland amendment.

I strongly urge all Members to support this amendment.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. ABZUG).

(Mrs. ABZUG asked and was given permission to revise and extend her remarks.)

Mrs. ABZUG. Mr. Chairman, in the time I have been in this Congress, I have grown to have great sympathy for the Members of this House who were forced to support this war under false assumptions. I want to congratulate the Members of this House for taking one step, and that is to state their policy directing the President to negotiate a withdrawal

upon the condition of the release of our prisoners. That is what we did in the Military Selective Act and in the Military Procurement Act.

The gentleman from Massachusetts (Mr. BOLAND), whom I especially wish to congratulate today, comes here to say, "Now that we have taken that one step, let us really use the power of this House. Let us really do what we are required to do under the Constitution, and are mandated to do by three-fourths of the American people, all of our constituents. Let us set a date to cut off funds for this war—after June 1 if the President does not."

Many of you who do not vote against the war do so in defiance of the wishes of the majority of your own constituents. The statistics and the polls have proved that.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. BADILLO yielded his time to Mrs. ABZUG.)

Mrs. ABZUG. Mr. Chairman, we are being asked by the gentleman from Massachusetts (Mr. BOLAND) to use the power we have, the power of appropriations, to cut off the funds by a date certain if we do not withdraw our troops from Vietnam.

The fact is the President will go to Moscow and Peking, but not to Paris, to negotiate the Vietnamese proposal to release all prisoners if we would but set a date certain to withdraw our troops. The fact is the President tells us that there will be a residual force of at least 45,000 or 50,000 remaining in Vietnam.

We must assert our congressional power to prevent that residual force from continuing that war in Indochina, as we now intend to do.

What the President and the Secretary of Defense are going to do is to continue in the air the war we have had on the ground. There is a recent study, the Cornell study, which proves that what is intended is to continue an automated war instead of a ground war, for which we need only 45,000 or 50,000 troops.

I support the Boland amendment. We must cut off the funds if this Congress is to assert its rightful power.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mrs. CHISHOLM yielded her time to Mrs. ABZUG.)

Mrs. ABZUG. Gentlemen, I am asking you to vote to reflect the will of the American people but, more than that, to reflect our obligation in this House. Not once since I have been here have we used our power over appropriations to make it clear that there is a separation of power between the executive branch and the legislative branch of our Government.

I do not think it is in any way a reflection upon our loyalty or our respect for the executive branch. Quite to the contrary, we are saying to the President that we, as an independent branch which represents the people—we, as the House of the people—have an obligation to make sure that what the President is saying comes true and, if the President does not act in exercising the power of the

executive to cut off this war we will cut off the funds. Support for the Boland amendment asserts that we have the power to do so.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, when Abraham Lincoln of Illinois was a Member of this body he was an outspoken opponent of the Mexican War, but he never at any time voted to cut off the appropriations for the ongoing operations of our troops in the field.

We lack Mr. Lincoln's stature and wisdom but, Mr. Chairman, I trust we retain enough wisdom and responsibility to vote against this ill-considered amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, it has been suggested today that there is no answer to give those veterans who return from Vietnam and ask "why are we there".

There is an answer. We are there because of Presidents who lacked wisdom and Congresses that lacked courage.

We can change both deficiencies.

(By unanimous consent, Mr. YATES yielded his time to Mr. BOLAND.)

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, I rise in support of the Boland amendment, but the question I would raise is, how can one engage in meaningful debate on such an important issue in 45 seconds? I think that is a travesty. We stayed here until 2:30 in the morning debating racist antibusing amendment to the higher education bill. Yet, on a matter of life and death to the young—the ones required to fight and die in this absurd war—of this country, we see fit to parade people down in front of this microphone and allow them 45 seconds to debate. I hope that the young of this country remember the mockery of how we dealt with the serious question of life and death in Southeast Asia. In these remaining few seconds, I urge my colleagues to assume some responsibility for ending this adventurism—support the Boland amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

(Mr. LEGGETT asked and was given permission to revise and extend his remarks.)

Mr. LEGGETT. Mr. Chairman, the chairman of the full committee, Mr. MAHON, indicated that he is still working toward a semisuccessful conclusion for the war in Southeast Asia.

I think we are behind that. I think the American people want to get out of this war, and I think we are suffering from a false delusion if we think that we are really ending the war. If you think casualties running at the rate of five, two, and three a week are representative of what is going on over there, you have to keep in mind that the South Vietnamese this year will lose 23,000 men. Last year they lost 23,000 men also. The enemy last year lost 103,000 men. This year they

are going to lose 111,000 men. There is no possibility that we are going to negotiate peace with this much war going on around us. I think we have to recognize—

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. WOLFF was allowed to yield his time to Mr. LEGGETT.)

(Mr. WOLFF asked and was given permission to revise and extend his remarks.)

Mr. WOLFF. Mr. Chairman, I would like to express my wholehearted support for the Boland amendment which would prohibit funds for the war after June 1, 1972, subject to release of all U.S. POW's and full disclosure of information with respect to MIA's, and I strongly encourage my colleagues to join me in support of this important and necessary measure.

The war in Vietnam has been prolonged for months and years now, partly as a result of the failure of both sides to resolve the prisoner of war question. I vehemently objected to shallow attempts last year to turn this issue into a political volleyball, to be batted back and forth to no avail. When the North Vietnamese delegation to the Paris peace talks set forth their proposal early this summer, offering to settle this question, I again urged that the POW issue be resolved with haste.

Mr. Chairman, we are dealing with the lives of human beings, who have every right to expect that the United States will act in their best interests to secure their release. We have before us, in the Boland amendment to the Defense Appropriations bill an excellent opportunity to assert our intent to act in their behalf.

In essence, this amendment would do no more than implement what President Nixon has declared our policy to be—that U.S. participation in the war would terminate upon release of all American POW's. Enactment of the Boland measure would assert the will of the Congress, which I might add, has for too long been dormant on this issue, declaring our intention to withdraw from active participation in the war, contingent upon the release of our men. Such a declaration would, I believe, serve two vital purposes.

First, we would be serving notice to President Thieu and the South Vietnamese Government that they must prepare to assume the full burden of the war without further delay. I can see nothing harmful in providing this impetus to the South Vietnamese, who, I am afraid, have learned to become far too dependent on this country.

Second, passage of this amendment would serve to assert the responsibility that the Congress bears, not only for waging this tragic, ill-conceived conflict, but more important, for bringing the war to a speedy end.

Rather than to tie the hands of the President, as some have mistakenly contended, the intent of this amendment would be to join President Nixon in asserting our support for a policy of withdrawal. For surely we have nothing to lose in making this peace initiative, for

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should Hanoi decline to return our POW's or provide information on our MIA's we would then simply delay our troop withdrawal until such time as our terms were met. And, we have everything to gain should they respond to our overture for peace.

Mr. Chairman, if we are going to make our POW's an issue in this war, then let us make them an issue for them to end the war, and bring them home. If we fail to extend this vital initiative toward ending America's role in Vietnam, then we in the Congress will be just guilty of prolonging the war. With the lives of American citizens at stake, we cannot afford to let political expediency get in our way. Again, I urge my colleagues to join me in support of this vital measure. They have nothing to lose by doing so, except the lives of countless American soldiers who suffer the agonies of hell being held captive even one day longer in North Vietnam.

Mr. LEGGETT. Mr. Chairman, I think we have to recognize the great secret solution of Richard Nixon to end this war cost us 19,000 lives and innumerable wounded. What was the great secret solution to end the war: Apparently to deescalate more or less as we escalated. That means every 6 months to tell the American people about where you are going.

I say this: We were confused in getting into this war by my administration and by previous administrations, and we will be confused in getting out of it unless we give some direction to the President of the United States and to the people of the United States.

I yield to the gentleman from New York (Mr. BIAGGI).

(Mr. BIAGGI asked and was given permission to revise and extend his remarks.)

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. BOLAND) that will help bring all American troops and prisoners of war back to the United States by June 30, 1972.

Over the past 4 years, I have supported the President's withdrawal program, his negotiating efforts in Paris, and his private diplomacy aimed at a release of our prisoners of war. However, I do not feel his withdrawals have been fast enough. I would remind him that he promised an end to the war in the campaign of 1968 and point out that events in South Vietnam indicate that the country is in a good position to defend themselves and to determine their own future.

Let it be clear that the amendment before us today is closely tied to the prisoner of war issue. Under no circumstances will I support any withdrawal amendment unless it means the return of all American soldiers, both those in the field and those in prison camps. Colloquy has established that this amendment will be null and void if the prisoners are not released. On the other hand, if they are, all troops and prisoners would be returned home by next summer.

This plan is very close to the President's own plan. Speculation has set the troop levels for next summer at less than

50,000. The difference in terms of defense of South Vietnam is negligible. Thus the real issue is the return of the prisoners.

Moreover, our efforts in that country over the last decade have helped build the South Vietnamese army into the best trained and equipped army in that region. Our mastery of the air war has been transferred to a strong and efficient Vietnamese Air Force.

Additionally, our objectives of self-determination for the people of South Vietnam has been realized now that two general presidential elections have taken place. Further efforts could be considered questionable involvement in the internal affairs of another nation.

However, as I have pointed out, while these goals have been accomplished and the war is over for all practical purposes, our involvement there cannot be considered ended until every soldier in the field and every prisoner is returned home.

The North Vietnamese and the Vietcong have indicated that once a date is set for total withdrawal they will begin to release the prisoners. The families of the POW's and MIA's have urged passage of such set withdrawal date legislation in an effort to bring their sons or husbands or brothers home.

If the North Vietnamese and the Vietcong are not true to their word, then we can stop the withdrawal and reescalate if necessary to assure the freedom of American prisoners. This amendment provides for that. If we are committed to exploring every possibility to end the war and free our prisoners of war then this amendment deserves passage.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

(Mr. SPENCE asked and was given permission to revise and extend his remarks.)

Mr. SPENCE. Mr. Chairman, there may be some of you sitting in this body who are thinking of voting for this amendment, in an effort to gain favor with those who want to set a deadline for withdrawal from Vietnam. At the same time, you may be thinking that the amendment will not pass, in any event, and therefore you won't have to stand trial for being guilty of prolonging the war and complicating the release of our POW's. Just remember, with your help, the amendment may pass, then where will you be when the deadline arrives, we have lost our bargaining position, we have weakened our forces too much, the enemy attacks in force and takes over South Vietnam. I think now of your answer, to the families of the POW/MIA people who oppose this amendment. What will your answer be to those who thought you wanted to end the war, affect the release of our POW's, and assure that those who died to help a small nation remain free, did not die in vain?

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KEMP).

(Mr. KEMP asked and was given permission to revise and extend his remarks.)

Mr. KEMP. Mr. Chairman, an analysis

of the elements in the latest Communist peace proposal, the seven-point demands of July 1, 1971, I think demonstrates that it is a complete illusion to believe only some single unilateral U.S. act of renunciation stands in the way of peace. Instead it can be seen that the Communists are continuing to present a series of demands which, though sugar coated, represent nothing less than a demand for total allied surrender to all of the other side's conditions and acquiescence to their desire to take over South Vietnam as well as a demand that the United States be held responsible for the complete rebuilding of North Vietnam after we quit.

At this point, Mr. Chairman, I would like to address myself to the question of Hanoi's position on the negotiations which heretofore has not been discussed in this debate. I think it will shed some perspective on the question of whether or not the Boland-Mansfield amendment will accomplish our goals by simply setting a date.

THE VIETNAM NEGOTIATIONS AND THE NLF'S SEVEN POINTS

The seven points announced by the national liberation front—NLF—on July 1, 1971, while at first glance appearing to show some signs of flexibility, in fact constitute a set of preconditions and exceptionally hardline unilateral demands.

In sum, the seven points do not soften the previous Communist demands, do not permit any Allied assistance to the South Vietnamese Government, do not pledge the release of American POW's, do not propose a general cease-fire, do not accept the Government of Vietnam as a party to negotiations, and do not accept the principle of effective international verification. They reflect no reciprocity by the Communist side in exchange for Allied submission to these demands or for the extensive proposals and steps toward peace already taken by the Allies.

I. THE SEVEN POINTS IN THE CONTEXT OF ALLIED PEACE PROPOSALS AND THE NEGOTIATIONS

The NLF's seven point demands of July 1, 1971 must be viewed in the context of the negotiation record of the last 2 to 3 years. This record includes comprehensive U.S. and South Vietnamese peace offers, unilateral Allied concessions, and a series of broken promises by Hanoi:

U.S. PEACE PROPOSALS

Building upon his earlier peace proposal of May 14, 1969, President Nixon on October 7, 1970, offered a comprehensive proposal for a just peace in Indochina calling for:

An immediate, and internationally supervised cease-fire in place throughout Indochina;

The establishment of an Indochina Peace Conference;

Negotiation of an agreed timetable for complete withdrawal of all non-South Vietnamese forces from South Vietnam;

A fair political settlement reflecting the will of the South Vietnamese people and involving all of the political forces in South Vietnam;

The immediate and unconditional release of all prisoners of war by all sides. In addition to the above proposals, the

United States has supported the Government of South Vietnam's proposals of July 11, 1969, and October 8, 1970, calling for free elections in which all people and parties of South Vietnam, including the NLF can participate, and for mixed electoral and supervisory commissions in which all parties, including the NLF, could be represented.

U.S. STEPS TOWARD PEACE

The U.S. Government has done virtually everything that various parties, including Hanoi's leaders and many American critics, said would kindle negotiations. These steps include:

A halt, in 1968, to the bombing of North Vietnam. This was done though North Vietnam supplies all of the weapons and war materiel and almost all of the troops and cadres for the wars it is directing across its borders against South Vietnam, Laos and Cambodia;

Agreement to let the NLF participate at the Paris talks;

Agreement on the principle of total U.S. troop withdrawals on the basis of reciprocal North Vietnamese withdrawals;

Appointment of a new senior negotiator in Paris;

Unilateral troop withdrawals totalling 360,000 men by December 1971, or more than two-thirds of the total of U.S. forces in Vietnam in January 1969 when President Nixon took office.

COMMUNIST INTRANSIGENCE

The above Allied proposals and steps were made not only to reduce U.S. involvement but also to open the door to serious negotiations. But although each of these actions was urged by the Communist side or by responsible third parties, all have been rejected and none have generated any reciprocal movement by Hanoi or the Front.

Regrettably the Communist leaders have remained intransigent and have continued to press their attacks on their neighbors in violation of Accords signed by the Hanoi regime.

They continued to demand a deadline for total unilateral U.S. withdrawal, dismantling of bases, termination of all assistance, payment of reparations, prior removal of the Government of South Vietnam and the imposition of a pro-NLF government as preconditions for substantive discussions.

At the same time the Communist side has rejected a general cease-fire, commonly accepted international standards of POW treatment, and any type of international verification.

II. THE "SEVEN POINTS"

THE PREAMBLE

The preamble to the "seven points" states that the NLF is "basing itself" on its previous "10 point" statement of May 8, 1969, its "eight point" statement of September 17, 1970 and its "three point" statement of December 10, 1970. The NLF's "ten point" statement in turn explicitly bases itself on the NLF's "five point" statement of March 1965 and

on the DRV's—North Vietnam—"four point" statement of April 1965.

The "seven points" are thus directly linked to the NLF's and Hanoi's earlier preconditions and demands. In some respects the "7 Points" take an even harder position than earlier demands.

UNILATERAL DEADLINE DEMANDS

Point 1 repeats the Communists' standard set of far-reaching demands. These demands are unilateral and unconditional. Specifically:

The U.S. Government must put an end to its war of aggression in Vietnam, stop the policy of Vietnamization of the war, withdraw from South Vietnam all troops, military personnel, weapons, and war materiel of the United States and of other foreign countries in the U.S. camp, and dismantle all U.S. bases in South Vietnam, without posing any condition whatsoever.

The deadline is set at December 31, 1971.

Subsequent elaborating statements by official NLF and DRV spokesmen, have made clear that these demands extend to all forms of Allied military and economic assistance, specialists, funds, and so forth.

Since the Communists talked of a U.S. "war of aggression" long before U.S. combat troops were sent to Vietnam in 1965 in response to the prior intervention of North Vietnam's regular army, this reference could mean that the South Vietnamese forces must unilaterally stop fighting. However, the "seven points" stipulate the formation of a pro-NLF coalition government as a precondition for a cease-fire with the South Vietnamese forces.

It should be noted that the "seven point" demands are unabashedly unilateral and are notably silent on the critical question of North Vietnam's role in leading and supporting the Communist forces in South Vietnam.

The "seven points" include no mention or pledge concerning reciprocal troop withdrawals or termination of assistance by North Vietnamese armed forces fighting in South Vietnam—90,000 troops—and are silent on the related issues of large North Vietnamese military forces in Cambodia—50,000 troops—and in Laos—90,000 troops.

NO PLEDGE ON PRISONER OF WAR RELEASE

The "seven points" do not pledge a release of the prisoners of war held by the Communist side.

Point 1 indicates that after the United States has committed itself to a December 31, 1971, terminal date for any form of U.S. and allied troop presence and assistance and to the dismantling of their mili-

*NOTE: Hanoi's "four points" of April 1965 included as point three the demand that: "The internal affairs of South Vietnam must be settled . . . in accordance with the program of the NLFV without any foreign interference." Further, the "Four Points" declared that: "any approach contrary to the above-mentioned stand is inappropriate, any approach tending to secure a United Nations intervention is also inappropriate. . . ."

tary bases, an agreement could follow among various—unspecified—parties, concerning the modalities of a partial cease-fire and a POW release.

Specifically, point 1 says about the POW's that if all of the Communist demands are met:

"The parties will at the same time agree on the modalities—of the release of the totality of military men and of the civilians captured in the war—including American pilots captured in North Vietnam."

In effect, this is a variation of previous Communist proposals to "discuss" the POW question if the United States met the demands for a unilateral deadline for troop presence, assistance, and so forth. Obviously, discussions must precede any agreement on modalities. But there are a number of uncertainties and far-reaching demands in the "seven points" statement which would make such discussions extremely difficult and not likely to be productive of an agreement.

It is unclear which parties would be involved or bound by any POW agreement.

Point 2 indicates that the Government of Vietnam would not be a party acceptable to the NLF and could play no role in the negotiations. Furthermore, point 2 does not mention North Vietnam as a party to the POW negotiations and thus Hanoi would not be bound by the NLF's "seven points" or by any resulting agreement on POW's.

Also left unclear is the fate of men held prisoner or missing in Laos, Cambodia, and South Vietnam. In contrast with the South Vietnamese and in violation of the internationally accepted Geneva Convention on POW's signed by North Vietnam, the North Vietnamese and their Communist allies in South Vietnam, Cambodia, and Laos, have refused complete POW lists or to permit inspections by neutral observers for areas under their control.

The United States, third countries, and media representatives have repeatedly sought to obtain clarification on the above questions from NLF and DRV spokesmen. The Communist side, however, has refused to give any clarification. Furthermore, the Communist spokesmen have repudiated the speculations of a number of people who have claimed flexibility for the Communist position.

In sum, after the United States had publicly committed itself to a total, unconditional, and unilateral withdrawal date, terminating its troop presence and any assistance, and so forth, it might well prove to be the case that no agreement on POW release or the other vital issues would in fact be reached during the discussion of modalities. In that case, the Communists would have conceded absolutely nothing, but the United States would have fallen for a ransom demand and would have unilaterally surrendered its major bargaining chip.

CEASE-FIRE

The Communist side has totally rejected the October 7, 1970, proposals of

the Governments of the United States and South Vietnam calling for an immediate and internationally verified cease-fire in place throughout Indochina.

The NLF's "seven points" provide—in point 1—not for a cease-fire, but only for discussion of modalities. Furthermore, the NLF proposes to discuss only a limited two-stage cease-fire in South Vietnam, one not involving North Vietnamese forces or international verification.

Point 1 mentions as parties to a first-stage cease-fire—following a U.S. pledge for unilateral withdrawal of its troops and assistance—only the troops of the NLF and the United States, not those of either North or South Vietnam.

Point 2 indicates that a cease-fire between the NLF's forces and the South Vietnamese forces would occur only after a new pro-NLF government was formed in South Vietnam.

The "seven points" fails to mention the presence or future role of the North Vietnamese forces—90,000 troops—in South Vietnam. They thus purposely omit a factor of major importance to Vietnam's future and to any negotiations. This relieves the North Vietnamese of any binding obligations vis-a-vis a cease-fire, troop withdrawals, guarantees, and so forth.

Via the preamble's link to Hanoi's "four points," the NLF's "seven points" firmly reject the notion of United Nations' or similar verification of any case-fire as "foreign interference."

"PARTIES" TO THE AGREEMENT—A NEW GOVERNMENT

The NLF continues to reject the July 11, 1969 proposals of the Government of Vietnam to enter negotiations for joint electoral commissions and general elections in South Vietnam to include the NLF, with modalities and verification procedures to be worked out between representatives of the NLF and the Government of Vietnam.

Instead, the "seven points"—in point two—set as a precondition for discussions the prior overthrow of the leadership of the Government of Vietnam—described as the "group headed by Nguyen Van Thieu—and demand the imposition of a "three-segment" provisional government of "national concord."

These "three-segments" have been officially defined in the NLF's "eight point" proposal of September 17, 1970, and subsequently, as a "coalition" government consisting of: First, members of the NLF's own "Provisional Revolutionary Government," second, members of the current Government of Vietnam "genuinely," standing for peace, neutrality, independence and democracy" (as defined by the NLF), and third, other elements meeting the NLF's criteria.

In effect, the NLF proposes to nominate one-third and to veto two-thirds of a new government. This new government would thus by definition be pro-NLF.

At the same time, the new, pro-NLF government would apparently constitute the NLF-approved "party" mentioned in the other points. It is this new government which would represent South Vietnam in any discussions and negotiations on such critical issues as troops with-

drawals, cease-fires, POW releases, elections, reparations, and guarantees.

It should be noted that the NLF has described the chief element and "vanguard core" of its "front," as being the Peoples' Revolutionary Party—PRP—a self-proclaimed hardline Marxist-Leninist party formed in Hanoi in 1962.

The PRP forms the southern wing of North Vietnam's only political party, the Lao Dong—Communist—Party.

Interestingly, Hanoi describes its "peoples' dictatorship" in North Vietnam as a "Lien Hiep" or "coalition" of "national concord."

To the Vietnamese nationalists, both Southern and Northern, the formation of a "coalition" with the Communists is particularly odious. They well remember how Ho Chi Minh's Communist Party liquidated Vietnam's short-lived seven-party coalition in 1946 and how, in North Vietnam in the midfifties, it established a Stalinist regime and killed and imprisoned the nationalists and neutralists in the Viet Minh "Front."

CIVILIAN PRISONERS—CHOICE OF RESIDENCE

Unlike previous proposals, the "seven points"—in point 1—call for the Government of Vietnam unilaterally to release all civilian prisoners captured during the war.

By indiscriminately releasing all Vietnamese political cadres, terrorists, and so forth, the South Vietnamese would thus be required to provide massive reinforcement to the Communist apparatus during a critical period.

The NLF's demand is unilateral. It does not require any pledge to be given by those released and it is silent on urging releases from North Vietnam's extensive prison system which, according to official North Vietnamese media, is filled with "counterrevolutionaries," "defeatists," and "romantics."

In another new demand, the "seven points"—in point 4—call for "a free choice of residence" and for "free movement" vis-a-vis North and South Vietnam.

This demand appears aimed at preventing the forced repatriation to North Vietnam of the 8,000 North Vietnamese POW's held in South Vietnam. If released and maintained in South Vietnam, these troops would provide the equivalent of a division of readily available troop reinforcements for the Communists.

Earlier this year the Government of Vietnam and the International Red Cross sought to return sick and wounded North Vietnamese POW's to North Vietnam on a voluntary basis. The POW's, however, were threatened by their cadres in the camps to resist and reject repatriation in part, no doubt, from fear of retaliation on their families in North Vietnam.

Past experience indicates that the Communists would under no circumstances actually tolerate the free movement of civilians away from areas under their control. According to the testimony of members of the International Control Commission and other neutral observers, for example, the Hanoi regime in 1954 sought to block the southward flow of refugees—800,000 escaped—and to cir-

cumscribe the access and activities of the ICC. Furthermore, the Hanoi regime tightly controls all travel in North Vietnam, via a system of internal passports and cadre checkpoints.

The "free movement" provision is probably aimed at legitimizing the movement of additional Communist political cadres and troops from North to South Vietnam.

REPARATIONS

Point 6 demands that the United States assume the full and sole responsibility for war damage in North Vietnam and in South Vietnam.

This is tantamount to unilaterally placing total responsibility for the war on the United States.

This demand totally neglects the record of North Vietnam's massive and illegal troop presence and terror attacks across its internationally recognized borders in the sovereign states of South Vietnam, Laos and Cambodia.

FUTURE INTERNATIONAL STATUS AND GUARANTEES

The "seven points" state—in points 3 to 7—that the "question of North Vietnamese armed forces in South Vietnam" and the issues of future reunification and international status will be settled in a spirit of "national concord" by "qualified representatives of the Vietnamese people in the two zones" on the basis of "mutual interests and mutual assistance," and "without foreign interference." These carefully selected formulations in practice would clearly preclude any non-Communist elements, options, or guarantees.

All references to agreements between the two Vietnamese "zones" or "parties" concerning cease-fires, troop dispositions, prisoner releases, free movement, foreign aid, reparations, and international guarantees are vitiated by such formulations in the context of the full range of demands in the "seven points" and the past performance record of the Hanoi regime.

As indicated in point two, the prospective South Vietnamese government foreseen in the "seven points" is the pro-NLF "three-segment" government. In the presence of the North Vietnamese cadres and army and via the Front's "Peoples' Revolutionary Party," this new government could readily be absorbed into the regime of North Vietnam's Communist Party.

The "seven points" vigorous rejection of any "foreign interference" and the preamble's connection with Hanoi's "four points" formulation, specifically excludes any United Nations or similar international verification machinery and in effect guarantees that the South Vietnamese will be governed "in accordance with the program" of the NLF as demanded in point 3 of Hanoi's "four points."

III. CONCLUSION

It is apparent if one looks at the record of what both sides have done to bring about a responsible settlement, that the comprehensive Allied proposals and the important unilateral Allied steps toward peace remain unmatched by the Communist side, which instead continues its attacks and its unilateral demands.

An analysis of elements in the latest

Communist "seven point" demands of July 1, 1971, demonstrates that it is an illusion to believe that only some single unilateral U.S. act of renunciation stands in the way of peace. Instead it can be seen that the Communists are continuing to present a series of demands which, though sometimes sugar coated, represent nothing less than a demand for total Allied surrender to all of the other side's conditions and acquiescence in Hanoi's takeover of South Vietnam, as well as a demand that the United States be held responsible for rebuilding North Vietnam.

Acceptance of the Communists' demand for a unilateral and unconditional date terminating U.S. troop presence and U.S. assistance in South Vietnam—and Southeast Asia—is clearly not an appropriate means to speed an end to the war and is prejudicial to the delicate diplomatic situation resulting from the continuing U.S. reduction of its military role.

In this situation, no legislative solution can be sufficiently flexible to accommodate the range of diplomatic and military issues and contingencies. It would reward Communist intransigence and would remove any inducement to the other side to negotiate seriously. Moreover, such legislation poses serious practical and constitutional problems.

The United States continues to hope that the Communist leaders will take meaningful steps toward peace and will recognize the desirability of concluding the war through serious negotiations based on reciprocity rather than prolonged combat.

The United States continues to believe that the allied policy of seeking a responsible negotiated settlement and of withdrawing U.S. forces as the South Vietnamese become more capable of assuming the burden of their own defense, together with the President's statement that all U.S. forces will not be withdrawn until all U.S. prisoners of war are released, provides the best prospect of bringing all our men, in prison or in the field, out of Vietnam and in a way that gives the South Vietnamese a reasonable chance to defend themselves.

At this point, Mr. Chairman, I would like to direct the attention of my colleagues to an article in the New York Times including the text of the so-called Vietcong peace proposal.

[From the New York Times, July 2, 1971]
THE "SEVEN POINTS"—TEXT OF THE VIETCONG
PEACE PROPOSAL

PARIS, July 1 (Reuters)—Following is the text of the Vietcong's seven-point peace proposal presented at today's session of the Vietnam peace talks:

1. Regarding the deadline for the total withdrawal of U.S. forces.

The U.S. Government must put an end to its war of aggression in Vietnam, stop the policy of "Vietnamization" of the war, withdraw from South Vietnam all troops, military personnel, weapons, and war materials of the United States and of the other foreign countries in the U.S. camp, and dismantle all U.S. bases in South Vietnam, without posing any condition whatsoever.

The U.S. Government must set a terminal date for the withdrawal from South Vietnam of the totality of U.S. forces and those of the other foreign countries in the U.S. camp.

If the U.S. Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of U.S. forces and those of the other foreign countries in the U.S. camp, the parties will at the same time agree on the modalities:

A. Of the withdrawal in safety from South Vietnam of the totality of U.S. forces and those of the other foreign countries in the U.S. camp.

B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

Those two operations will begin on the same date and will end on the same date.

A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the armed forces of the United States and of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp.

2. Regarding the question of power in South Vietnam.

The United States Government must really respect the South Vietnam people's right to self-determination, put an end to its interference in the internal affairs of South Vietnam, cease backing the bellicose group headed by Nguyen Van Thieu, at present in office in Saigon, and stop all maneuvers, including tricks on elections, aimed at maintaining the puppet Nguyen Van Thieu.

The political, social and religious forces in South Vietnam aspiring to peace and national concord will use various means to form in Saigon a new administration favoring peace, independence, neutrality and democracy.

The Provisional Revolutionary Government of the Republic of South Vietnam will immediately enter into talks with that administration in order to settle the following questions:

A. To form a broad three-segment government of national concord that will assume its functions during the period between the restoration of peace and the holding of general elections and organize general elections in South Vietnam.

A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the armed forces of the Saigon administration as soon as the government of national concord is formed.

B. To take concrete measures with the required guarantees so as to prohibit all acts of terror, reprisal and discrimination against persons having collaborated with one or the other party, to ensure every democratic liberty to the South Vietnam people, to release all persons jailed for political reasons, to dissolve all concentration camps and to liquidate all forms of constraint and coercion so as to permit the people to return to their native places in complete freedom and to freely engage in their occupations.

C. To see that the people's conditions of living are stabilized and gradually improved, to create conditions allowing everyone to contribute his talents and efforts to heal the war wounds and rebuild the country.

D. To agree on measures to be taken to ensure the holding of genuinely free, democratic, and fair general elections in South Vietnam.

3. Regarding the question of Vietnamese armed forces in South Vietnam.

The Vietnamese parties will together settle the question of Vietnamese armed forces in South Vietnam in a spirit of national concord equality, and mutual respect, without foreign interference, in accordance with the postwar situation and with a view to making lighter the people's contributions.

4. Regarding the peaceful reunification of Vietnam and the relations between the North and South zones.

A. The reunification of Vietnam will be achieved step by step by peaceful means, on the basis of discussions and agreements between the two zones, without constraint and annexation from either party, without foreign interference.

Pending the reunification of the country, the North and the South zones will reestablish normal relations, guarantee free movement, free correspondence, free choice of residence, and maintain economic and cultural relations on the principle of mutual interests and mutual assistance.

All questions concerning the two zones will be settled by qualified representatives of the Vietnamese people in the two zones on the basis of negotiations, without foreign interference.

B. In keeping with the provisions of the 1954 Geneva agreements on Vietnam, in the present temporary partition of the country into two zones, the North and the South zones of Vietnam will refrain from joining any military alliance with foreign countries, from allowing any foreign country to have military bases, troops, and military personnel on their soil, and from recognizing the protection of any country, of any military alliance or bloc.

5. Regarding the foreign policy of peace and neutrality of South Vietnam.

South Vietnam will pursue a foreign policy of peace and neutrality, establish relations with all countries regardless of their political and social regime, in accordance with the five principles of peaceful coexistence, maintain economic and cultural relations with all countries, accept the cooperation and economic and cultural relations with all countries, accept the cooperation of foreign countries in the exportation of the resources of South Vietnam, accept from any country economic and technical aid without any political conditions attached, and participate in regional plans of economic cooperation.

On the basis of these principles, after the end of the war, South Vietnam and the United States will establish relations in the political, economic and cultural fields.

6. Regarding the damages caused by the United States to the Vietnamese people in the two zones.

The U.S. Government must bear full responsibility for the losses and the destructions it has caused to the Vietnamese people in the two zones.

7. Regarding the respect and the international guarantee of the accords that will be concluded.

The parties will find agreement on the forms of respect and international guarantee of the accords that will be concluded.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

(Mr. PUCINSKI asked and was given permission to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Chairman, this amendment ought to be known as the "put up or shut up amendment." Hanoi has said that if we fix a date certain for our troop withdrawal they are willing to release our prisoners of war and agree to a cease-fire.

This amendment does set that time and if, indeed, our prisoners are not released by June 1, all bets are off.

This amendment does give us for the first time an opportunity to say to Hanoi: "put up or shut up." If our prisoners are not released by June 1, then we will take another course of action after June 1.

Mr. Chairman, I have listened to those who have opposed this amendment in the past. This time let us do it our way

and if we cannot bring this tragic war to an end, we have nothing to lose in trying to force Hanoi into a release of our prisoners by adopting this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RYAN).

(Mr. RYAN asked and was given permission to revise and extend his remarks.)

Mr. RYAN. Mr. Chairman, during the 7 years since President Johnson's first supplemental appropriation bill to finance the war in Vietnam came to the House on May 5, 1965, I have time and again taken the floor of the House to urge that the Congress assume its responsibilities and use the appropriation process, by exercising its power over the purse, to bring the death and destruction in Southeast Asia to an end. Through two administrations the Congress has acquiesced in, and sanctioned, this undeclared, dead end war by voting the appropriations necessary to conduct it.

The American people have now rejected the war and are looking to the Congress to assume its responsibility and set a final termination date since it is obvious that the President has no intention of doing so.

The Boland amendment offers an opportunity for the House to set a fixed date—June 1, 1972—by prohibiting use of any funds in this defense appropriation bill for fiscal year 1972, "to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos or Cambodia, after June 1, 1972," subject to the release of all American prisoners of war and an accounting of all Americans missing in action.

As the Members of the House well know, I do not believe the war should continue for 1 minute more, and I would prefer an immediate cutoff of funds—an action which I have urged the Congress to take for 7 long years. However, the least the House can do, if it is to pay a modicum of respect to public opinion in this country, is to accept the Mansfield amendment which the Senate adopted as an amendment to the Military Procurement Act but which was modified in conference.

Title VI of the Military Procurement Act signed into law today by President Nixon establishes as national policy the termination of all U.S. military operations in Indochina at the earliest practicable date, and the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners and an accounting for the Americans missing in action.

The Boland amendment would restore the critically important specific deadline, which was deleted from the original Mansfield amendment in conference. It would provide the vehicle for implementing what is now national policy by setting the date certain as June 1, 1972. It is essential that a termination date be set by Congress, especially in view of the reported declaration by the President today that he will ignore the Mansfield language in the Military Procurement Act.

All the illusions of Vietnam have been shattered. All that now remains are the stark realities of a brutal and senseless war.

For a decade this Nation has sent her young men to die in Asia. The price from this tragic venture has been incalculably high: in terms of lives lost and bloodshed, in terms of opportunities missed and treasure squandered, in terms of the disaffection of our young, and the polarization of our society.

The administration's vaunted Vietnamization policy has not brought peace, but continued death and destruction. It contemplates South Vietnamese armed forces pursuing a military victory sustained by American air and logistical support.

The President's announcement last week that 45,000 troops would be withdrawn during January and February did not change anything. The distinguished chairman of the Committee on Appropriations has stated that the President obviously has a negotiating plan which he should be free to follow. That is reminiscent of candidate Nixon's 1968 campaign statement that he had a secret plan to end the war. The President has had 3 years to reveal it, but the only known element in it is the plan to maintain a U.S. residual force in Vietnam as long as necessary to prop up the present Saigon regime.

It has been argued that adoption of the Boland amendment would force us to "relinquish our prime position of power," making it impossible to leave Vietnam with honor. That refrain has been heard too often over the past 7 years. How many more American and Vietnamese lives are to be lost—how many more villages are to be destroyed—how many more billions of dollars are to be dissipated—while the administration wages war in the name of peace with honor?

The answer rests with the House of Representatives today, for the Boland amendment offers the Congress of the United States the opportunity to live up to its responsibility by exercising the only power it has to end the war. It offers us the opportunity to give peace a chance. Let us seize it now.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. DEVINE).

(Mr. DEVINE asked and was given permission to revise and extend his remarks.)

(By unanimous consent, Mr. MYERS yielded his time to Mr. DEVINE.)

Mr. DEVINE. Mr. Chairman, one gets sick and tired of hearing the same old political speeches, the same old retreat speeches and accusations about who is responsible for the war in Vietnam. However, I will say to the members of the committee that President Nixon is the only President of the last four to turn this thing around. During Eisenhower's administration there were some 750 advisers, then during the administration of the late President Kennedy he started a multi-thousand-man buildup of American combat troops in Vietnam which reached a crest when Mr. Johnson was President. The number of U.S. troops in Vietnam rose to over 540,000 during

L. B. J.'s administration. Yet, today, under the Nixon plan and direction of President Nixon, 80 percent or over 400,000 of our troops are out of there. Casualties have been reduced from 300 a week to less than 10 a week.

Mr. Chairman, the Vietnamization policies are working, the Nixon doctrine is working and now all of these people whom we have heard speak in support of this amendment are scrambling to get on the bandwagon in order to say that they did it and that the war is over because they belatedly set a date of cutoff. Ridiculous.

I predict that in the 1972 campaign Vietnam will not be an issue, because Vietnamization is working and U.S. troops are being withdrawn at a faster rate than anticipated.

Mr. Chairman, I talked to the President as late as yesterday about the prisoners of war. He cannot reveal to everyone—all negotiations that are being made, through a number of avenues, but he is making every effort to secure the release of our prisoners of war, and that is one of the crucial areas involved here. He is constantly working on it and the Vietnamization policy; and let us give that policy an opportunity to work, without tying the hands of the President.

If it wasn't so serious, it would be laughable to record the gyrations and reverse gymnastics of some of our colleagues who manage to place themselves on both sides of an issue. Now that President Nixon has established the success of his Vietnamization and is truly winding up the war, the boys are not only scurrying to get on the bandwagon, but are even trying to twist history around in an effort to claim credit. If they established a date certain, they would then claim they forced the President to end the war, which he already accomplished. It is high time to forget politics and demagogery and act responsibly in the interest of our country and ultimately a generation of peace. Let us defeat the Boland amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I oppose the Boland amendment for good and sufficient reasons. This amendment is so far reaching that every Member should provide a clear explanation for his vote, whether it be in support or opposition.

The first thing that must be made clear beyond any doubt is that a vote against the Boland amendment is not a vote for the war, or a vote to prolong the war. Twice, the House has approved the so-called Mansfield amendment to end the war in Southeast Asia at the earliest practicable date. That amendment permitted an orderly withdrawal. The adoption of this amendment today could even slow the rate of withdrawal. Even worse than slowing orderly withdrawal, this action could even stop the present rate of withdrawal until our military leadership could develop adequate alternatives to the present schedule in the knowledge there will no longer be a shield for orderly withdrawal but an irrevocable and arbitrary date certain on June 1, 1972.

Nearly all of us have come to realize that either the war was wrong, or at least we have fought this war in the wrong way. But at this point in time what should we do? What is the best course left to take? In the debate someone described this amendment as the roughest and hardest way of imposing the will of the Congress on our President. If we recognize that the President is the Commander in Chief of our military forces and if he insists it is a wise course to maintain a residual force, then this amendment would not only cut off the pay of our men in such residual forces, it would cut off their logistics, including food, and even take away the transportation to bring them home after June 1, 1972. Abraham Lincoln, as a Member of the House in the 30th Congress in 1847, was an outspoken opponent of the Mexican war but he refused to vote to cut off money for our troops in the field.

The true facts are that the President has reduced the troop level through the process of Vietnamization from 540,000 to 180,000. As I read the amendment it would become an obstacle to the success of Vietnamization because the words, "military support operations by the United States forces in South Vietnam" would include the training of South Vietnamese forces in Vietnam. Does the author of this amendment propose that we stop training the South Vietnamese to take over the war and thus protect their country against the forces of the North? If the amendment prevails, the only way we could train the South Vietnamese allies would be to transport them to some place other than South Vietnam, such as Laos or Cambodia for training. Does the author suggest we go through the expensive process of transporting our South Vietnamese allies to Hawaii or the mainland for training and then bear the expense of returning them to their homeland?

Anything that the Congress does at this time should serve the best interest of peace or to end the war. If we expect to be fair we must agree that 90 percent of our troops will have been out of Vietnam before the date imposed by the amendment. But to cut off all funds at an arbitrary date risks some grave consequences. No doubt the time is long past when we can achieve a military victory, but somehow, some way, we must still try for an honorable conclusion to the war. At the very least we should not agree to an amendment that will disregard all the sacrifices of all those who have given their lives or been wounded and agree to a course that would completely abandon any effort for some kind of benefit from all the sacrifices.

If we indulge in this precipitous action today then all of our losses and sacrifices will have been in vain. It means we are completely throwing away any chance for an honorable settlement. If this amendment should be adopted we tie the President's hands at a most critical time. It means not only that his power to negotiate with Hanoi is gone. It means that hereafter he cannot speak with any authority on his visit to either Peking or Moscow. We have been pursuing a phased withdrawal. The war is

near an end. Casualties are down to a minimum. Of course, even four or five a week are too many. But the hard fact is if withdrawal is to continue there must be some kind of a shield to permit that withdrawal. The Boland amendment would undercut the entire withdrawal process. If the word goes out to the world that this body joined by the other body acts to cut off all funds on June 1, 1972, it would mean immediate chaos in South Vietnam. There no longer would be any shield for withdrawal. All the past efforts toward negotiations would be torpedoed and sunk.

But if we defeat this amendment then we retain our options. We do have some alternatives left. There remains the chance for the success of the visits to Peking and Moscow. We should not foreclose these chances by our action today. If we proceed to approve this amendment we tie the hands of our President.

For the Congress to try to stop the war by this arbitrary precipitous action is just not the way to handle foreign policy. There are those who would say the rate of withdrawal is too slow. By recent pronouncement the President says withdrawal will be determined by four factors: first, the level of enemy action; second, the progress of Vietnamization; third, the progress of release of our prisoners of war and fourth, agreement by the enemy to a cease fire in all of Southeast Asia.

Mr. Chairman, I have read the wording of the Boland amendment very carefully. The effective portion of the amendment starts out with the words, "subject to release of all American prisoners and an accounting of all Americans missing in action." In other words that portion of the amendment which says none of the funds appropriated in this act should be used after June 1, 1972, is all subject to release of our American prisoners and our Americans missing in action. In my judgment to say these two categories will ever be accomplished is optimism that is not justified. To the enemy our prisoners of war are not regarded as we regard their prisoners. Our men are regarded as criminals. In my opinion, if they are ever returned it will be by ransom. But as I read it, for this amendment to have any meaning the enemy must account for all of our missing in action. In my judgment such a requirement makes the amendment meaningless. We must either rely upon their word—which up to now has been worthless—or else insist upon a really strict accounting for all the missing. If we demand this strict accounting before the cut-off date can be effective then a cut off date might never arrive. For those who refuse to rely on the word of the enemy, or for those who believe the cut-off date is subject to a strict accounting, there is only one course to take and that is to vote against this amendment as meaningless.

No, a vote against the Boland amendment is not a vote to continue the war. It is not a vote to prolong the war. All of us want this war ended. Equally important, we want to be sure that there cannot be another Vietnam. We all want to make it impossible to drift into such a

war again, step by step, as we did in Southeast Asia.

Mr. Chairman, that is why a little while ago I supported the so-called Yates amendment which, under H.R. 11731, would not permit the President to substantially increase troop levels or troop strength. I supported the amendment of the gentleman from Illinois because it provides that after 60 days following an acceleration of total troop strength, there would be no further expenditures of appropriations for such troop increases without obtaining the approval of the Congress. In different words, this means that if there is any indication of any kind that we are drifting into another Vietnam war, we will be able to face the issue very early. This amendment would require the President to come before the Congress and explain his reasons for increasing troop levels before any appropriations would be available. I supported this amendment because it could prevent an easy drift into another Vietnam. Although it failed by a small margin on our side of the Congress, I hope it may be added to this defense appropriation bill by the other body.

I hope there may not be any who vote for this amendment but hope it will not pass. That kind of thinking is a dangerous course because with a recorded teller count it is most difficult to know the course of a vote until the final tally is announced by the tellers. Someone said this amendment should probably be tagged the "put up or shut up" amendment. Others have been less complimentary and described it as the "bug out" amendment. Without passing judgment on which is more accurate, certainly this amendment would change the course of orderly or phased withdrawal or a "walkout" to the precipitous, arbitrary, and shieldless kind of withdrawal that could become a "run out."

I cannot subscribe to the argument of those who say the withdrawal schedule announced by the President is nothing more than a holding action to get him through the Peking visit. On the other hand the passage of this amendment would leave him with no bargaining power at Peking. But if the President should fail at Peking and if we defeat this amendment our Chief Executive has the remaining negotiating course to open our own bilateral or private negotiations with Hanoi in Paris.

All the foregoing or options are thrown away if we pass the proposed amendment today. In just a few words, the approval of this amendment means that we hand to the enemy a victory that they were never able to achieve on the battlefield.

(By unanimous consent, Mr. RANDALL yielded his remaining time to Mr. WAGGONNER.)

(Mr. WAGGONNER asked and was given permission to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Chairman and Members of the House, I think we are all agreed on one point. That is, that we want to get out of Vietnam as quickly as we possibly can.

Further, I think we agree that in retrospect especially in view of the fact that

we have never tried to win, that it was a mistake to get involved in Vietnam as we have. However, where we differ is how do we get out and over the long-period of time serve the best interests of the United States? This is the crux of the matter we are discussing here today.

The gentleman from Georgia (Mr. FLYNT) earlier said to you when he addressed the Committee of the Whole House on the State of the Union—and I think I remember what he said—that he believed that the President had already reached an agreement with regard to the release of the prisoners of war. My friends of the House, I do not believe this is so.

I do not believe that he has any reason to even speculate as to that whim, because I do not believe that the President of the United States would perpetrate such a hoax upon the people of this country so as to withhold that information from those who have relatives who are prisoners of war or on those who have relatives who are missing in action.

Further, there is something else that we ought to consider that the gentleman from Georgia (Mr. FLYNT) said. He said that he would not support again any appropriations for the military under certain conditions, and he said he would not support appropriations for the military as long as we supported a regime which allowed only one name on the ballot. Who ever heard of a Communist nation having two names on the ballot? Big Minh and Ky could have run if they had chosen to, but they were afraid they would get beaten. They insisted they would only run in a three man race. To my knowledge I cannot recall even a ballot in Red China. But I agree it would have been better if others had run from an ideal point of view.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. TALCOTT).

(Mr. TALCOTT asked and was given permission to revise and extend his remarks.)

Mr. TALCOTT. Mr. Chairman, I have listened to the very appealing and emotional speeches of the gentleman from Indiana, the gentleman from New York, and the gentleman from Maryland, about their sons who once served in Vietnam. I think the sons should be permitted to speak for themselves; their views may be different from their father's. I would not presume to speak for my son, but I am willing to support any son in Vietnam, as I, and we, have supported their sons while they were in Vietnam, so I would hope that they would vote with me to support my son, who is serving in Vietnam now along with 139,000 other sons in Vietnam now.

This is not a "hard and tough" decision for us now. It would have been hard and tough" in 1968 or 1969—when other sons were in Vietnam—some involuntarily—but it is easy now if our objective is to get one-up on the President who is systematically ending the war. It is easy if our objective is to garner some of the credit to which the President is entitled. It is "hard and tough"—even in-

credible—if our objective is to achieve peace as soon as practicable and to secure the release of all our POW's and obtain an accounting of our MIA's. We owe them and their families a great responsibility. We must keep our commitments to them. We should vote "no" on this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Maine (Mr. HATHAWAY).

(Mr. HATHAWAY asked and was given permission to revise and extend his remarks.)

Mr. HATHAWAY. Mr. Chairman, there has been a lot of talk here this afternoon about whose responsibility the termination of this war is, the executive's responsibility or the responsibility of the Congress. I think it is crystal clear under the Constitution it is our responsibility, and I hope that this afternoon we exercise that responsibility by adopting the Boland amendment.

The overconcentration of power in the single office of the President has resulted in a constitutional imbalance, with one man holding nearly absolute power in matters of war and peace, life and death. The time to reassert congressional prerogatives and restore balanced constitutional government is now.

Article I, section 8 of the Constitution gives Congress the stated power to declare war, to raise and support armies, to provide and maintain a navy, to make rules for the Government and regulation of the Armed Forces, to provide for calling forth the militia, and to make all laws necessary and proper for executing the foregoing powers. In contrast, article II, section 2 of the Constitution states that the President shall be Commander in Chief of the Army and Navy. In addition, the President may, with the advice and consent of the Senate, make treaties and appoint ambassadors.

It is clear from the language of the Constitution that the war power is vested almost entirely in the Congress. That this was the intention of the framers is quite clear from reading the proceedings of the Constitutional Convention and the subsequent writings of the Founding Fathers. In a letter to James Madison in 1789, Thomas Jefferson wrote:

We have already given in example one effectual check to the Dog of War by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

It is important to note that the Framers wrote with the benefit of considerable hindsight regarding contests between English kings and the Parliament over war powers. It is most relevant that Parliament had successfully employed its power of the purse to prevent and halt royal adventures abroad. In fact, a legislative forerunner of the amendment before us today was passed in 1678, when Parliament specified that the Army of Charles in Flanders be disbanded by a certain date. The Framers clearly intended that the Congress should have at least that much power, and they bestowed more power on this body by re-

quiring congressional action to initiate war as well as providing for congressional action to stop it.

Another manifestation of the Framers' intention that Congress exercise the power of the purse with special care on matters relating to military operations can be seen in the constitutional provision—article I, section 8, item 12—binding us to review all funds for military operations every 2 years. Although it is our practice to appropriate every year for all Government activities and programs, there is nothing in the Constitution that requires such a procedure except in the case of funding for the Armed Forces, in which case the requirement is for a biennial review. Theoretically, we could appropriate for all other programs every 10 or every 100 years, but the Framers singled out military appropriations for a special 2-year limitation.

Alexander Hamilton described the meaning of that limitation in Federalist No. 26:

The legislature of the United States will be obliged, by this provision, once at least in every two years, to deliberate upon the propriety of keeping a military force on foot; to come to a new resolution on the point; and to declare their sense on the matter, by a formal vote in the face of their constituencies.

The provision protects—and I think was intended to protect—the Nation against the indefinite commitment of American Forces or American military operations without systematic congressional review at least once every 2 years. We in the Congress have an express duty to provide review and control, and there is no way we can surrender that power to the President or anyone else without violating the Constitution.

It is time for the Congress to reassert our constitutional authority and not allow the President to be chief of police, district attorney, judge, and jury in foreign affairs. It is the purpose of our system of separation of powers to bring a balanced judgement to the issues we face. The American people deserve that; our Constitution requires it.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HALL).

(By unanimous consent, Mr. HALL yielded his time to Mr. MINSHALL.)

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

(Mr. SEIBERLING asked and was given permission to revise and extend his remarks.)

(By unanimous consent, Mr. SEIBERLING yielded his remaining time to Mr. BOLAND.)

Mr. SEIBERLING. Mr. Chairman, we like to call ourselves "the People's House." Accordingly, I think it behooves us to consider the people's wishes on this issue. The Harris survey published in the Washington Post on November 8 reported:

By nearly 3 to 1, the American people favor "getting completely out" of Vietnam by next May.

Asked if they favored or opposed the United States "getting completely out of Vietnam by May, including all combat and noncom-

bat troops," the vote was 62 percent in favor and 21 percent opposed.

Between October 26 and October 31, a cross section of 2,004 households was asked: If it meant keeping the Communists from taking over Vietnam, would you favor or oppose the following?

[In percent]

	Favor	Oppose	Not sure
Leaving 50,000 non-combat U.S. troops there.....	32	55	13
Continuing to use U.S. bombers and helicopters to support the South Vietnamese army.....	29	57	14
Continuing to send over \$1,000,000,000 a year in military aid to the South Vietnamese.....	16	70	14

Even at the risk of a Communist takeover, sizable majorities of the public want the United States out completely from Vietnam.

Obviously the American people do not favor a Communist takeover in Vietnam. They are merely recognizing the bankruptcy of the Government's policy in Vietnam and that we have given the South Vietnamese Government more than enough chance to stand on its own feet.

And they are recognizing something else, as revealed by the Harris poll published in the Post on November 11, as follows:

The Vietnam issue simply will not go away as a major concern for the public in this country. A survey taken during the last week of October shows that a record high 65 percent now believe that it is "morally wrong" for the United States to be fighting in Vietnam.

How can the Congress continue to ignore the overwhelming and clearly manifested desire of the American people on an issue as basic as this? No issue has been more thoroughly debated and argued in the country and in the Halls of Congress. Unless we take prompt and decisive action to carry out the people's considered desires on this subject, how can we continue to call ourselves "the People's House?"

In the 2 years during which the Congress has been wrestling with the question of placing a specific cutoff date on further American military operations in Indochina, the President has indeed reduced our presence in Vietnam. The number of American troops remaining in Vietnam is now so small that they could all be evacuated in a few weeks if it were decided to do so. Certainly a deadline of June 1, 1972 imposes no serious risk to the protection of our remaining troops in Vietnam.

The Boland amendment, providing for such a deadline, is entirely reasonable, completely within the policy already adopted by the Congress, and creates no obstacle to the withdrawal of American POW's. In fact, since the withdrawal would be contingent on the return of all POW's, it gives the administration a further bargaining lever for the POW's.

For all these reasons, I find it hard to imagine why the House should not adopt the Boland amendment by an overwhelming majority.

If the House does not adopt the Boland amendment, then I will vote against the defense appropriations bill, in accordance with my pledge not to vote for funds to continue the war in Vietnam so long as the Government has not adopted a specific date for American withdrawal.

I do not oppose national defense and will support any reasonable defense appropriation bill that does not provide for the indefinite continuation of our military involvement in Vietnam. That involvement has added nothing to our national security. It has taken over \$100 billion away from other defense needs and civilian needs. It has divided the country.

The people are demanding a complete and early end to this misadventure. It is time we heeded their demand.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky (Mr. CARTER).

(By unanimous consent, Mr. CARTER yielded his time to Mr. MINSHALL.)

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, the gentleman from Massachusetts (Mr. BOLAND), the author of the pending amendment, has said he is tired of the argument that we are tying the President's hands by passage of his amendment.

I would just like to say that a few years ago I felt somewhat that way when Nasser of Egypt was telling the United States to go drink from the sea and I offered an amendment to an agricultural appropriation bill to prohibit the further sale of surplus commodities to Egypt. I was supported unanimously on our Republican side of the aisle and joined by 71 Democrat Members. The amendment carried but 10 days later on a motion to instruct conferees on the very same subject 40 Democrats switched their votes after President Johnson twisted some arms and said he could not live with that kind of restriction.

Let me jog your memory of two more very relevant Presidential incidents. Remember when in October of 1962 President Kennedy issued the ultimatum to the Russians to get their missiles out of Cuba? Why do you suppose the Soviets responded affirmatively? Certainly not because of the President's good looks or his persuasive oratory, but because of the great military might of the United States that backed up what he said.

Remember when President Eisenhower was about to meet with Khrushchev in Paris for some very delicate negotiations and the whole conference blew up over the U-2 incident?

Why do I mention these three incidents? Because our President has said he is going to Peking to try and break the ice and open up a dialog with Chou En-lai and possibly get some agreements to guarantee us at least a generation of peace.

Can you imagine the President sitting down with the Chinese or Russians hobbled with this and other similar amendments? It would be catastrophic. If perchance this amendment were adopted by the Congress I would think the President would be justified in coming before a

joint session of Congress and saying "Gentlemen, as I understand the Constitution we all have sworn to uphold, I do have the power and authority to conduct the foreign policy of this Government and negotiate agreements and treaties subject to the confirmation of the Senate. Unless I can negotiate from a position of strength—unfettered and without an albatross around my neck, I feel constrained to cancel my proposed trip to Peking."

Do you want that on your consciences? I will tell you as a father of four teenagers, three of whom could very well be serving in the Armed Forces within the next few years that I do not want it on mine.

Our President deserves our wholehearted support at this time not only for the selfish interests of our Government, but for all men who seek a peaceful world. This amendment should be defeated.

(Mr. MICHEL asked and was given permission to revise and extend his remarks.)

(By unanimous consent, Mr. MICHEL yielded his remaining time to Mr. MINSHALL.)

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. YOUNG).

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Chairman, for the past 52 years Americans have celebrated November 11 as Armistice Day and Veterans Day in honor of the men and women who gave so much that America might survive as a free nation. If we pass the Boland amendment today, the Communist nations will celebrate November 17 for the next 52 years for on this day they will have won the victory on the floor of this Congress that they were unable to win on the battlefields of Southeast Asia.

The CHAIRMAN. The Chair recognizes the gentleman from Montana (Mr. SHOUF).

(By unanimous consent, Mr. SHOUF yielded his time to Mr. MINSHALL.)

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HUNGATE).

(Mr. HUNGATE asked and was given permission to revise and extend his remarks.)

Mr. HUNGATE. Mr. Chairman, someone said the President has turned this war around. I think that is true. I think he deserves credit for it. I am glad to have the troops withdrawn.

But I think he has turned the world around. We have Red China in the U.N. and Taiwan has been kicked out. May I say to those who argue that we have been winning this war since 1965, they persuaded me then that we should defeat things like the Boland amendment and support this proposition. We have been winning this war since 1965, but every year we have more casualties, more MIA's, and more POW's. Our winning in Vietnam is like the man who won first prize—1 week in Philadelphia, while second prize was 2 weeks in Philadelphia.

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This is said to be one of the toughest resolutions we have ever had. I think it is the toughest toasted marshmallow on a plate of toasted marshmallows.

We do not declare war outright any more. We just declare war on the installment plan.

Let us just skip this payment and let them repossess this war. I urge support the Boland amendment.

[Mr. KEITH addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I must oppose this amendment because it would simply say to the enemy that they do not have to negotiate with us on any matter whatever except release of prisoners. It would tell them in effect that if they will just simply hold on a little while longer, we will get out completely and let them settle the substantive issues of the future of Vietnam on their own terms.

Mr. Chairman, I would like to yield to my colleague, the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE of Texas. Mr. Chairman, I understand the question has been asked whether anyone with sons serving in Vietnam is against this amendment.

Mr. Chairman, I have two sons and a son-in-law. My two sons each served two tours of duty over there. The last tour was voluntary. One was wounded twice and one received the Silver Star and one received the Bronze Star. My son-in-law just came back, and he is a captain in the Marine Corps, and they all tell me that an amendment of this kind is good for nobody except Hanoi.

The first four young ladies who went to Paris, widows and wives of our servicemen—those girls are not for this kind of an amendment. Two of them have sons—one a 7-year-old, who have never seen their fathers and the other two have never heard from their husbands.

Mr. Chairman, I am very much opposed to this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I want to express my appreciation to the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON) and the ranking minority member, the gentleman from Ohio (Mr. MINSHALL) for their patience and their courtesy all during this debate.

It would seem to me that a simple explanation of this bill amendment is indeed a put-up or shut-up proposition to Hanoi.

Hanoi has been telling the world that it is willing to negotiate provided we have a terminal date. The terminal date is here. If it refuses to negotiate and if there is no movement on the prisoners of war and no movement on the missing in action, then the amendment limitation and the cutoff of funds in my judgment does not prevail.

The President of the United States in April of this year, I believe, attached two conditions to the ending of the war in Vietnam.

No. 1, the return of the prisoners of war.

No. 2, the reasonable chance for South Vietnam to survive.

If I heard the Secretary of Defense last Sunday correctly, he indicated now that South Vietnam has a reasonable chance to survive—and he said that in Saigon a week ago.

So one of the conditions has already been met.

The President's press conference last week presents a problem. I think the position is changed from a reasonable chance of survival to the assurance that the Thieu regime will not be overcome by the Communists. This is a deep and serious change of position.

I would think that if the war is ended within the next few months the possibility is that the Government of South Vietnam would survive. Nobody can say. Mr. Chairman, this is the first opportunity this Congress has had to limit funds for the Vietnam war. We have a terminal date. The funds would not be cut off unless we have some response from the Government of North Vietnam with respect to our prisoners of war and men missing in action. That is precisely what the amendment would accomplish. It would call Hanoi's hand and in my judgment, would get negotiations in Paris that have been stalled for so long to get into some meaningful and significant talks.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. MINSHALL).

Mr. MINSHALL. Mr. Chairman, at the outset I want to thank the other members of this committee who have so graciously yielded to me their allocated few seconds.

I would like to say that we have been around the barn. We have plowed the ground. We have been down the road numerous times on this question, and I do not think anything that I can say as we conclude this debate is going to change one vote one way or the other. But I do completely agree with my colleagues on the need for a national commitment to end rapidly our military involvement in Indochina. But of what use would the amendment under consideration be? It essentially reiterates a commitment that has already been made, not only by the President, but also by this Congress.

Not only are the objectives of this amendment rapidly being realized, but the means for achieving our objectives might be seriously impaired if the amendment were to be adopted. We could fail to do what we are earnestly hoping he will be able to do.

As I said under the 5-minute rule, at the conclusion of my remarks, this is a time to be cheering the Nixon administration. At the same time I do not want you to forget the important part that Mel Laird has played in this administration. Our former colleague has distinguished himself with his advice and

counsel to our Chief Executive. Without question he is the best Secretary of Defense in recent history.

As has been frequently mentioned here this afternoon, he appeared last Sunday on the "Meet the Press" television program. I think that any American who saw his appearance cannot doubt for one minute his great ability, his sincerity, his devotion to duty, and his hopes that the Vietnamization program is coming to a good and honest conclusion. We all know the program is succeeding.

So I say again that this is a time for cheering the Nixon administration, not undercutting it, and a time for encouraging it to continue its drive toward peace and the safe return of all American men. I hope that all of you in your good conscience will vote against the Boland amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. MAHON) to close the debate.

Mr. MAHON. Mr. Chairman, I think all has been said that needs to be said in opposition to the pending amendment. I have opposed this amendment because I believe it would undercut the efforts of our Nation to achieve peace and the return of our prisoners of war. I am afraid that this amendment would tend to foreclose our chance of bringing this conflict to an end that will reflect credit on the men who gave their lives and those who give their devotion and effort in the service to this country. I earnestly hope and I certainly believe that this House will reject the amendment. I ask for a vote.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

TELLER VOTE WITH CLERKS

Mr. BOLAND. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. BOLAND. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. BOLAND, RHODES, MAHON, and RIEGLE.

The Committee divided, and the tellers reported that there were—ayes 163, noes 238, not voting 30, as follows:

[Roll No. 399]

[Recorded Teller Vote]

AYES—163

Abourezk	Burton	Eilberg
Abzug	Carey, N.Y.	Esch
Adams	Carney	Evans, Colo.
Addabbo	Chisholm	Fascell
Anderson,	Clay	Flynt
Calif.	Collins, Ill.	Ford,
Anderson,	Conte	William D.
Tenn.	Conyers	Fraser
Annunzio	Corman	Frenzel
Aspin	Coughlin	Fulton, Tenn.
Badillo	Culver	Galifianakis
Baring	Daniels, N.J.	Garmatz
Barrett	Danielson	Gaydos
Begich	Dellums	Gialmo
Bergland	Denholm	Gibbons
Biaggi	Dent	Grasso
Blester	Dingell	Gray
Bingham	Donohue	Green, Oreg.
Boland	Dow	Green, Pa.
Brademas	Drinan	Gude
Brasco	Dwyer	Hamilton
Burke, Mass.	Eckhardt	Hansen, Wash.
Burlison, Mo.	Edwards, Calif.	Harrington

Harvey Mink Ryan
Hathaway Mitchell St Germain
Hawkins Moorhead Sarbanes
Hechler, W. Va. Moore Scheuer
Heckler, Mass. Mosher Schwengel
Helms Moss Seiberling
Helstoski Murphy, Ill. Shipley
Hicks, Mass. Nedzi Slack
Hicks, Wash. Nix Smith, Iowa
Howard Obey Stanton,
Hungate O'Hara James V.
Jacobs O'Neill Steele
Jones, N.C. Patten Stokes
Karth Pepper Sullivan
Kastenmeier Podell Symington
Kluczynski Freyer, N.C. Taylor
Koch Pryor, Ark. Thompson, N.J.
Kyros Pucinski Tiernan
Landrum Rangel Udall
Leggett Rees Ullman
Long, Md. Reid, N.Y. Van Deerlin
McCloskey Reuss Vank
McCormack Riegle Vigorito
McDade Rodino Waldie
McKinney Roe Whalen
Macdonald, Widnall
Mass. Rogers Wilson,
Madden Roncallo Charles H.
Matsunaga Rooney, Pa. Wolff
Mazzoli Rosenthal Yates
Meeds Rostenkowski Yatron
Metcalfe Roush Zwach
Miller, Ohio Roy
Minish Desbat
Ruppe

NOES—238

Abernethy Fuchst Mahon
Albert Flood Maillard
Anderson, Ill. Flowers Mann
Andrews, Ala. Foley Martin
Andrews, N. Dak. Ford, Gerald R. Mathis, Ga.
Archers Forsythe Mayne
Arends Fountain Melcher
Ashbrook Freilinghuysen Michel
Ashley Frey Miller, Calif.
Aspinall Fuqua Mills, Md.
Baker Gallagher Minshall
Belcher Gettys Mizell
Bell Goldwater Mollohan
Bennett Gonzalez Monagan
Bevill Goodling Montgomery
Blanton Griffin Morgan
Bolling Gross Murphy, N.Y.
Bow Grover Myers
Bray Hagan Natcher
Brinkley Haley Nelsen
Brooks Hammer Nichols
Broomfield Schmidt O'Konski
Brotzman Hanley Passman
Brown, Mich. Hanna Patman
Brown, Ohio Hanna Felly
Broyhill, N.C. Hansen, Idaho Perkins
Broyhill, Va. Harsha Pettis
Buchanan Hastings Peyser
Burke, Fla. Hays Pickle
Burlinson, Tex. Hébert Pike
Byrne, Pa. Henderson Pirnie
Byrnes, Wis. Hillis Poage
Byron Hogan Poff
Cabell Horton Powell
Caffery Hosmer Price, Ill.
Camp Hull Price, Tex.
Carter Hunt Purcell
Casey, Tex. Hutchinson Quile
Cederberg Ichor Quillen
Chamberlain Jarman Rallsback
Clancy Johnson, Calif. Randall
Clark Johnson, Pa. Rarick
Clawson, Del. Jonas Rhodes
Cleveland Jones, Ala. Robinson, Va.
Collier Jones, Tenn. Robinson, N.Y.
Collins, Tex. Kazen Rooney, N.Y.
Colmer Keating Roussetot
Conable Keith Ruth
Crane Kemp Sandman
Daniel, Va. King Satterfield
Davis, Ga. Kuykendall Saylor
Davis, S.C. Kyl Scherle
Davis, Wis. Landgrebe Schneebell
de la Garza Latta Scott
Delaney Lennon Sebelius
Dellenback Lent Shoup
Dennis Lloyd Shriver
Devine Long, La. Sikes
Dickinson Lujan Sisk
Dorn McClory Skubltz
Duncan McCollister Smith, Calif.
du Pont McCulloch Smith, N.Y.
Edwards, Ala. McDonald Snyder
Erlenborn Mich. Spence
Eshleman McEwen Springer
Evins, Tenn. McFall Staggers
Findley McKay Stanton,
Fish McMillan J. William

Steiger, Ariz. Thone
Steiger, Wis. Vander Jagt
Stephens Veysey
Stratton Waggonner
Stubblefield Wampler
Stuckey Ware
Talcott Whalley
Teague, Calif. White
Teague, Tex. Whitehurst
Terry Whitten
Thompson, Ga. Wiggins
Thomson, Wis. Williams

Wilson, Bob
Winn
Wright
Wyatt
Wydler
Wyllie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

NOT VOTING—30

Abbt Alexander Derwinski Link
Betts Diggs McClure
Blackburn Dowdy McKeivitt
Blatnik Downing Mathias, Calif.
Boggs Dulski Mikva
Celler Edmondson Mills, Ark.
Chappell Edwards, La. Roberts
Clausen Griffiths Runnels
Don H. Gubser Steed
Cotter Halpern
Kee

So the amendment was rejected.
The CHAIRMAN. Are there any further amendments to this section?

AMENDMENT OFFERED BY MR. RIEGLE

Mr. RIEGLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RIEGLE: on page 48, between lines 7 and 8, insert the following:

Sec. 745. Money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1972, only to the extent that expenditure thereof shall not result in total aggregate net expenditures of all agencies provided for herein beyond ninety-five percent of the total aggregate net expenditures estimated therefor in the budget for 1972 (H. Doc. 15).

(Mr. RIEGLE asked and was given permission to revise and extend his remarks.)

Mr. RIEGLE. Mr. Chairman and colleagues, I am very much indebted to the gentleman from Ohio (Mr. Bow) for this amendment, because this amendment has historically been known as the "Bow expenditure limitation amendment." However, it is the first time it has been offered, to my knowledge, to a defense appropriation bill.

Mr. Chairman, this amendment applies directly to the actual spending contemplated by the Department of Defense for this fiscal year and, as such, in a significant way, goes beyond the amount of money contained in the appropriation bill that is before the Committee today.

You will be interested to know, for example, that nearly \$18 billion of new obligational authority in the appropriation bill before us represents funds which will not be spent this year but, in fact, will be spent in some future year.

Mr. Chairman, what I am concerned about, and what this specific amendment goes to, is the actual amount of spending by the Department of Defense this year. If the members of the committee will refer to the committee report before us, they will find that there is budgeted \$76 billion of fiscal year 1972 expenditures—approximately \$50 billion being new money in this appropriation bill and something like \$20 billion being carry-over authority from previous appropriation bills of previous years.

Mr. Chairman, my amendment would require the Department of Defense to restrict its spending to only 95 percent of that amount—95 percent of the \$76

billion it anticipates spending this year—which means it would have to absorb within the Department of Defense, a 5-percent reduction in its spending plans. This would create a dollar savings—an actual dollar savings, this fiscal year, of some \$3.8 billion.

I think this is a significant money savings that the Department of Defense could be asked to absorb this year.

My friend, the gentleman from Wisconsin (Mr. ASPIN) will later offer an amendment that is very different.

His amendment would seek to reduce the amount of new obligational authority for the Defense Department. A reduction of that kind might apply to this year or might apply to some future year, and while I may support the amendment offered by the gentleman from Wisconsin (Mr. ASPIN) it does not make sure that actual defense spending for this year will be reduced by even \$1. My amendment will absolutely assure that the actual defense spending will be reduced by some 5 percent.

Since 1964, including the planned expenditures for this fiscal year, we will have spent on defense in this country just since 1964, over \$600 billion—over \$600 billion. To anyone who wants to suggest that we have been stingy with the Defense Department, I would respond that the facts just do not back up that assertion.

Now, some people have objected to the Bow amendment because it is not an amendment that cuts the budget line item by line item. I too have the same objection, and I would much prefer to make a line item by line item reduction to this bill, but that is almost impossible in a bill that is the size of this one; one that is in the \$70 billion range.

The full Committee on Appropriations, for your information, meets to consider this bill in full committee for approximately 2½ hours, and there is no way we can carefully go through line item by line item a bill of this size. This is no criticism of the committee. It is just a fact of the life we live with, and thus we must resort to this type amendment as it is the only way we can have a chance to effect any kind of spending reduction in this fiscal year.

The bill before us, which comes from the Committee on Appropriations, reduces planned expenditures by just about \$1 billion. That is the figure they estimate as the reduction of the spending request that came in from the Defense Department. My amendment would go further than that; it would incorporate the \$1 billion reduction, and then go beyond that to \$3.8 billion.

With all due regard to the Secretary of Defense, who is our friend, and a former colleague of the Committee on Appropriations, I do submit that there is no Federal agency that can be run today in the United States without considerable bureaucracy, overlapping and waste. And I think the Defense Department is in this position, whether you want to talk about airplanes that do not fly, or cost overruns, or any one of a number of other things.

We are in an emergency condition. You may not know it, but the chairman of the Committee on Appropriations told the

Committee on Appropriations the other day that his best estimate for the deficit for this fiscal year is \$40 billion—and that comes on top of the deficit of last year of \$30 billion. If we are going to reduce this deficit, then the Defense Department, which is the biggest single operation of this Government, certainly can absorb a 5-percent reduction in light of the emergency condition this country is in. Otherwise, where are you going to save any money? I think they can do it. I think it is a reasonable amount. I hope that my colleagues in the House will support my amendment. I will say that I will ask for a recorded teller vote on this because this is the only chance we can have to make a necessary reduction in the Defense Department spending.

In my experience in other organizations outside of the Federal Government, when they have been asked to absorb a 5-percent cut, it actually has helped them, because it gives them the tool to go inside the organization and to clean up some of the sloppy operations and wasteful methods.

So, Mr. Chairman, again I would ask my colleagues to give support to my amendment, which will be the only chance they have to actually save money in the Defense Department this year.

Mr. BOW. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan (Mr. RIEGLE).

I am glad to see that my friends on the other side are interested, and still interested in the Bow amendment, because we may have it again before long, and I appreciate the support it has had in the past.

However, as the gentleman from Michigan has said, this is the first time that the so-called Bow amendment has ever been offered on a defense bill. I never did offer it on a defense bill, and on the overall amendments we used to have I always excepted the Defense Department.

I do not believe we can afford to put a limitation of this kind on the defense bill, where the funds may be necessary for the security of our country. Now, there are other areas where we should—and, as I say, it may come again, and I will support it—but I never would support it on a defense bill. I think it would be wrong to do it.

I sincerely hope that the committee will reject this amendment.

Mr. MAHON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman from Michigan indicated an inadequate consideration of the pending measure.

The 11-member Subcommittee on Defense Appropriations had months of hearings and there are nine printed volumes of testimony here on this table. It was well considered.

There has been no expenditure limitation on any appropriation bill this year. I do not know why this bill was singled out for this purpose.

Congress basically controls spending by controlling appropriations and other obligational authority, not by controlling expenditures.

The amendment proposes a meat-ax cut. The bill before you provides a reduc-

tion in expenditures of about \$1 billion for the current fiscal year, and the gentleman would increase that by about \$2.5 billion, and would leave it completely to the Executive as to where those reductions are to be made.

The appropriation cuts in this bill were specified particularly, and they are well described in the report.

The gentleman has not pointed out where he wants to make a reduction.

This amendment proposes an abdication by the Congress of its money powers.

Mr. Chairman, I join the gentleman from Ohio in asking that the amendment be voted down.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I want to thank my chairman.

I opposed this amendment in full committee. I said at that time, I opposed the Bow amendments because I did not agree with them. I do not believe an across-the-board cut is the way to control expenditures. We should have selective reductions. If there are weaknesses in this bill, let us go after the weak spots.

I think the amendment is ill planned and ill conceived and ill timed. After all, we have gone through 6 months of this fiscal year already and to have a 5-percent across-the-board cut will certainly be to the detriment of the whole defense bill. Therefore, I oppose the amendment and hope that it is defeated.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto do now close.

The CHAIRMAN. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. RIEGLE).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. RIEGLE. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. RIEGLE. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. RIEGLE, BOW, MAHON, and ASPIN.

The Committee divided, and the tellers reported that there were—ayes 74, noes 307, not voting 50, as follows:

[Roll No. 400]

[Recorded Teller Vote]

AYES—74

Abourezk
Abzug
Aspin
Badillo
Bergland
Bingham
Brademas
Brasco
Burton
Carey, N.Y.
Carney
Chisholm
Clay
Collins, Ill.

Conyers
Delaney
Dellums
Denholm
Dow
Drinan
du Pont
Edwards, Calif.
Ellberg
Esch
Fraser
Gaydos
Green, Pa.
Gross

Hall
Hanley
Harrington
Hathaway
Hechler, W. Va.
Helstoski
Hungate
Ichord
Kastenmeier
Koch
Kyros
Lujan
McClary
McCloskey

McDonald,
Mich.
Macdonald,
Mass.
Melcher
Metcalfe
Mink
Mitchell
Moorhead
Mosher
Nix
Pryor, Ark.

Pucinski.
Rangel
Reid, N.Y.
Riegle
Rosenthal
Roybal
Ryan
Sarbanes
Scheuer
Schwengel
Seiberling
Snyder

Stokes
Thompson, N.J.
Udall
Vanik
Waldie
Whalen
Wolff
Yates
Yatron
Zwach

NOES—307

Abernethy
Adams
Addabbo
Albert
Anderson,
Calif.
Anderson, Ill.
Andrews, Ala.
Andrews,
N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspinall
Baker
Baring
Begich
Belcher
Bell
Bennett
Bevill
Biaggi
Biester
Blanton
Boland
Boiling
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burks, Fla.
Burlison, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clawson, Del.
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Corman
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
Dellenback
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Duncan
Dwyer
Eckhardt
Edwards, Ala.
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher

Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford,
William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garnatz
Gettys
Gialmo
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Grover
Gubser
Gude
Hagan
Haley
Hamilton
Hammer-
schmidt
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hays
Hébert
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Hortori
Hosmer
Howard
Hull
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kemp
King
Kluczynski
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lent
Lloyd
Long, La.
Long, Md.
McCollister
McCormack
McCulloch
McDade
McEwen
McKay
McKinney
McMillan
Madden
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne

Mazzoli
Meeds
Michel
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Quie
Quillen
Rallsback
Randall
Rarick
Rees
Rhodes
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Springer
Stangers
Stanton
J. William
Stanton
James V.
Steele
Steiger, Ariz.

Stephens	Tiernan	Wiggins
Stratton	Ullman	Williams
Stubblefield	Van Deerlin	Wilson, Bob
Stuckey	Vander Jagt	Wilson,
Sullivan	Veysey	Charles H.
Syrnnington	Vigorito	Wright
Talcott	Waggonner	Wyatt
Taylor	Wampler	Wyllie
Teague, Calif.	Ware	Wynan
Teague, Tex.	Whalley	Young, Fla.
Terry	White	Young, Tex.
Thompson, Ga.	Whitehurst	Zablocki
Thompson, Wis.	Whitten	Zion
Thone	Widnall	

NOT VOTING—50

Abbltt	Dowdy	McClure
Alexander	Downing	McFall
Anderson,	Dulski	McKevitt
Tenn.	Edmondson	Mathias, Calif.
Barrett	Edwards, La.	Mikva
Betts	Gibbons	Mills, Ark.
Blackburn	Griffiths	Morse
Blatnik	Halpern	Podell
Boggs	Hanna	Reuss
Burke, Mass.	Hawkins	Roberts
Celler	Heckler, Mass.	Runnels
Chappell	Jones, Ala.	Sisk
Clausen,	Keating	Steed
Don H.	Kee	Steiger, Wis.
Cotter	Keith	Winn
de la Garza	Landrum	Wylder
Derwinski	Leggett	
Diggs	Link	

So the amendment was rejected.

AMENDMENT OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPIN: Page 48, immediately after line 7, insert the following:

TITLE IX

APPROPRIATION LIMITATION

SEC. 745. Notwithstanding any other provision of this Act, the total sums appropriated by this Act for the fiscal year ending June 30, 1972, for the military functions administered by the Department of Defense, and for other purposes, shall not exceed the total sums appropriated to that Department for such functions and purposes in Public Law 91-668, approved January 11, 1971.

Mr. ASPIN. Mr. Chairman, I do not plan to take very long because this amendment is simple to explain. What the amendment does is to hold defense spending to last year's level.

Last year we appropriated \$69.5 billion. This year the bill we are talking about is \$71 billion. So that would mean a cut of \$1.5 billion.

Mr. Chairman, I am presenting this amendment and raising the question here because it has not been adequately explained to me why this defense budget is higher than the one we had last year. It seems to me that is a very, very difficult thing to explain. The committee report itself has trouble explaining it.

After all, we have a war which is being wound down. We have less defense in the general purpose forces this year than last year. Why is the defense budget higher?

One reason given by the committee report for this year's budget being higher is inflation, and indeed inflation is a factor. To buy last year's budget at this year's prices will cost in money \$2.4 billion more according to Mr. Moot, the Comptroller. So that is one factor.

But, on the other hand, the war is costing us less. According to the Secretary of Defense the war this year is costing us \$4 billion less than the war cost us last year. So on balance, the inflation

and the war, we end up ahead, and the budget overall should not be higher.

A second reason the committee gives for the budget being higher this year is because of unemployment in some places. But this amendment, contrary to the amendment offered by the gentleman from Michigan, does nothing about spending. All of it might be spent next year, some of it this year, or some, some other time. Even if this amendment is passed, the amount of outlay we spend this year might not change at all.

Another reason why this year's budget is higher, offered by the chairman of the committee yesterday, is the volunteer army. We are spending more money on pay for a volunteer army; therefore, the budget is higher. But, as the discussion yesterday revealed, there is no money or very little money for the volunteer army in this appropriation bill. Some \$250 million out of \$1.5 billion is in this bill. In fact, the amount of money that is going to be appropriated this year for personnel is less than the amount last year, so that cannot be the reason.

Perhaps it is because we are buying more defense, but certainly not in general purpose forces are we buying more defense.

This budget this year has one-third of an Army division less than the budget last year. It has one Navy air wing less than the budget last year. It has two Navy carriers less than the budget last year.

So, Mr. Chairman, why is this budget higher? Why are we appropriating \$1.5 billion more this year for defense than we did last year? I would like to offer several reasons for it, none of which I am very happy about, which are all reasons why we are getting a higher budget and why we are spending more for defense and getting less from it.

No. 1 is cost overruns. A recent GAO report pointed out that of 45 selected programs, the cost overruns totaled \$35.4 billion. Last year alone there were \$8 billion in cost overruns.

The second reason why our budgets are going up is too much support. We now have in the Army more three- and four-star generals and admirals than we had at the peak of World War II. At the peak of World War II there were 12 million men under arms. Today there are 2.7 million men under arms and we have more generals and admirals than we had then. It just does not make any sense.

The third reason is we have too much overhead. We have too many bases and too many civilians. For example, this year's budget cuts our military manpower. It is cutting our military manpower over last year by 7.5 percent. But what are we doing about civilian manpower? We are cutting it by less than 1 percent.

A fourth reason for the budget going up is too much gold plating. The F-4 cost less than \$4 million apiece. The F-14 will cost \$16 million apiece. There is no indication whatever that the F-14 is worth four times more or is four times more effective than the F-4.

That is where our money is going and

that is why our defense costs are going up.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASPIN. Mr. Chairman, I ask unanimous consent to be allowed to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. CHAMBERLAIN. I object.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment, and I yield 1 minute to the distinguished gentleman from Wisconsin.

Mr. ASPIN. Thank you very much.

Mr. Chairman, it seems to me that with the budgets going higher and the amount of money we are getting for the budgets less, it is appropriate for this Congress and its Members to express their unhappiness with this situation.

This amendment does not tell the Pentagon what to cut, or where to cut or how to cut, but it does put the House on record as being opposed to buying less defense and spending more for it.

I urge the adoption of the amendment.

(Mr. SIKES asked and was given permission to revise and extend his remarks.)

Mr. SIKES. Mr. Chairman, there is within the reach of each Member a report of 139 pages which tells clearly and specifically why defense costs more now than it has in previous years. I hope you have read it. I urge that you keep it for reference.

May I point this out to you, and please listen to me. The Aspin amendment would tie defense spending for fiscal year 1972 to the 1971 appropriations. That figure was \$66.6 billion. The Aspin amendment does not call for an amount of \$1.5 billion below the 1971 appropriation, but it calls for that much below the 1972 bill. Supplementals were approved subsequent to the passing of the 1971 bill in the amount of \$66.6 billion. The supplementals were \$3 billion, almost altogether for wages and salaries. The effect of the amendment has not been thought through.

Are you prepared to abolish the pay raises? How would you specify the areas of cuts, or is this a shotgun blast at all defense? Under the terms of the Aspin amendment, the total cut would be \$4.5 billion below the committee's 1972 bill or \$7 billion below the administration's 1972 budget. This is not a 2-percent cut, my friends. It would cut more deeply than the amendment just proposed for a 5-percent reduction and decisively defeated.

Now, this, of course, is wild blue yonder thinking. The House already has had a good look at the defense picture, we have spent 2 long days on the bill before us. Let me recapitulate. In constant dollars defense spending is not higher. Inflation and wages are running away with all costs, including defense. The proposed defense spending level means we will have smaller forces, we will have too little modernization, less total defense than in previous years even though the spending level is higher.

Mr. Chairman, it is a dangerous thing

to have less defense in the face of growing Russian strength. Modernization is the key to national security. We need new weapons in greater number. The Soviets are ahead in size of forces, in numbers of modern weapons. They are building more nuclear-powered submarines and major surface ships than we are. The Russian Foxbat—listen to this—the Russian Foxbat which is flying around Israel is the most advanced aircraft of its class in the world. We do not have any. We need more tanks. The Communists have three times as many tanks as we and their tanks are newer than ours. The soldier who fights on the ground suffers most of the casualties. In a European-type war the tank is essential if our troops are to be successful.

Mr. Chairman, I do not think the House wants to embark into an uncertain prospect for national security by adopting a 5-percent cut—not a 2-percent cut—in appropriations for fiscal year 1972 defense spending. The amendment is an invitation to trouble—an invitation to Communist aggression. It can cripple our Nation's defenses and endanger America's security. This is a type of economy we cannot afford. I ask for a vote in opposition to the amendment.

Mr. YATES, Mr. Chairman, the committee report on the fiscal year 1972 Department of Defense appropriations bill is a document which is extraordinary for its candor. It is, I believe, a document which argues convincingly for a cut in military appropriations substantially below the levels recommended in the bill.

Page 6 of the report states:

It has been the pattern of the United States to sharply reduce our military forces after the end of a major conflict. We did so after World War II and again after the Korean War. The war in Southeast Asia is not yet over but active participation by United States forces has greatly decreased. Even so, the fiscal year 1972 budget, and the appropriations recommended in the accompanying bill, represent increases over the previous year, not decreases.

The decreases in military personnel in the past year would lead the Congress to anticipate a budget decrease, not an increase. The increase of \$1.5 billion is supported by a number of factors. High costs due to economic inflation have caused defense costs to rise. The desire to continue ongoing programs and installations in order to provide jobs and in order to avoid a further increase in unemployment is probably a factor. Also, the military services, as is not uncharacteristic of Government agencies generally, have sought the opportunity to keep their budgets at a high level and have included favored programs in the Budget which could not be funded when the war made heavier demands on appropriations. The Committee believes that this is an area which calls for close Congressional scrutiny during this transition period and has tried to screen new proposals carefully.

The important element of that explanation of the increases in defense spending is that it makes almost no reference to any military requirement for a budget of more than \$71 billion. Rather it admits that "favored programs" and the desire "to provide jobs" were in large part responsible for the failure to reflect the savings in the budget which we should expect from the winding down of

the war in Southeast Asia. The military establishment whose bill we are being asked to approve today is roundly criticized even by the committee—one has only to read the report.

Though the Vietnam war will cost us some \$4 billion less this year than last, and though military personnel costs are nearly \$5.5 billion less than last year, the appropriations for defense have increased by \$1½ billion over fiscal year 1971. Rather than saving \$5 billion, we are spending more than last year. Why?

Inflation accounts for about one-half of the increase, or about \$2.75 billion, but what about the other half? What has happened to the "peace dividend"?

A large part of the increase over last year comes in the procurement category, which is \$2,156,000,000 higher than last year. There are "favored programs" mentioned in the report funded this year regardless of their merit or the status of their research and development. We are asked to provide the money not because the systems are good or even necessary, but rather because the Pentagon bureaucracy is incapable of making necessary changes, even when an accepted weapons system is almost without question a turkey. The Pentagon would rather have a C-5A with its wings or engines falling off than have no plane at all. This inflated budget reflects nothing so much as the fact that the Pentagon, despite all the new procurement practices Mr. Packard speaks of so often, still is the victim of the huge cost overruns of the last few years.

For example, as is indicated in the committee report, the F-14 Navy fighter program can only be called a procurement fiasco. After the Appropriations Committee wisely suggested a slowdown in the F-14 program in December 1969, the Navy, "prevailed upon the committee to reverse its decision." Congressional skepticism about the F-14 has given way to Navy optimism ever since, and this year there is more than \$800 million in the budget for procurement of the F-14, which is admittedly obsolete even before it is fully tested.

According to the committee report, the F-14 is being procured because it would be able to cope with the new Soviet Mig-23 better than anything we now have in the inventory. There is no hard evidence, however, that the F-14 is even marginally better than the F-4 would be if it were modified to accommodate the Phoenix missile, and the F-4 costs only one-fourth as much as the F-14.

It is difficult to say anything with certainty about the performance of the F-14, since it is still in the early stages of its testing program. However, we do know it will not compete with the Mig-23. The bill includes \$229 million for research and testing of the F-14, a figure which must give pause to anyone familiar with the waste which concurrent testing and procurement has produced in the past. The program has been concurrent for 2 years now and the committee's continued support for the production of such an untested plane is in direct contradiction to its goal, stated in the fiscal year 1970 report, of a "fly-

before-you-buy" policy. The contract is a weird one. The report indicates a desire by the committee to get out of the F-14 contract but has decided not to do so because it points out it is cheaper to buy the planes, however unwanted, than to continue the contract.

The F-14, however, is only one of several weapons systems that is being funded this year in contradiction to lessons we should have learned during the last few years of Pentagon weapons failures. The DD-963 destroyer program is funded to the tune of nearly \$600 million, even though it is so heavily laden with electronic gear that it may well become a floating C-5A. The Senate Armed Services Committee report on this year's procurement authorization bill offers some sensible observations weapons systems which become so technologically musclebound that they are unable to perform their mission:

In a surprisingly large number of cases, DOD policies over the last several years have emphasized the development of platforms for weapons without sufficient emphasis on the weapons themselves. This is perhaps partially a result of attempts to make a single weapon system serve an inordinately large number of missions. Whatever the cause, it is striking that in many cases we have developed and produced aircraft of extraordinary capabilities without demonstrably reliable and effective air-to-air munitions, bombers without long range air-to-surface missiles, submarines without reliable and effective torpedoes or antiship missiles, and surface escorts without any surface-to-surface missiles of any kind. Moreover, simple and reliable modern weapons have often been neglected in the pursuit of weapons of great technological complexity.

I strongly support the "efficiency amendment" offered by Mr. ASPIN as a moderate, sensible step toward enforcing some restraint on Pentagon spending policy. Its passage would be an unmistakable message to the Defense Department that some major changes are required in the methods we use to develop and procure military weapons systems. Until those changes occur the Pentagon will continue to drain the Treasury and to make adequate funding of domestic legislation an impossibility. The Congress has been issuing polite reprimands for too long. It is time now to put some teeth in those reprimands by putting a lid on the defense budget through the Aspin amendment.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close immediately.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. ASPIN).

TELLER VOTE WITH CLERKS

Mr. ASPIN. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. ASPIN. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. ASPIN, RHODES, RIEGLE, and SIKES.

The Committee divided, and the tellers reported that there were—ayes 114, noes 278, not voting 39, as follows:

[Roll No. 401]

[Recorded Teller Vote]

AYES—114

Abourezk	Fraser	Obeys
Abzug	Frenzel	O'Konski
Anderson, Calif.	Gaydos	Pryor, Ark.
Ashley	Gibbons	Pucinski
Aspin	Green, Pa.	Rallsback
Badillo	Gross	Rangel
Barrett	Gude	Reid, N.Y.
Begich	Hall	Reuss
Bergland	Hamilton	Riegle
Blaggi	Hanley	Robison, N.Y.
Blester	Harrington	Roe
Bingham	Hathaway	Roncallo
Brademas	Hawkins	Rosenthal
Brasco	Hechler, W. Va.	Roussetot
Broyhill, N.C.	Heckler, Mass.	Roy
Burke, Mass.	Heinz	Roybal
Burton	Helstoski	Ryan
Carey, N.Y.	Hungate	Sarbanes
Carney	Jacobs	Schauer
Chisholm	Karth	Schneebell
Clay	Kastenmeyer	Schwengel
Collins, Ill.	Koch	Sebellus
Conyers	Kyros	Seiberling
Culver	Leggett	Snyder
Danielson	Lujan	Stanton, James V.
Dellenback	McClary	Stokes
Dellums	McCloskey	Thompson, N.J.
Denholm	McDonald, Mich.	Udall
Donohue	McKinney	Vanik
Dow	Madden	Vigorito
Drinan	Mazzoli	Waldie
du Pont	Meicher	Whalen
Eckhardt	Metcalfe	Winn
Edwards, Calif.	Mink	Wolff
Elberg	Mitchell	Yates
Esch	Moorhead	Yatron
Ford	Morris	Zwachs
William D. Forsythe	Mosher	
	Nedzi	

NOES—278

Abernethy	Coughlin	Harsha
Adams	Crane	Harvey
Addabbo	Daniel, Va.	Hastings
Albert	Daniels, N.J.	Hays
Anderson, Ill.	Davis, Ga.	Hébert
Andrews, Ala.	Davis, S.C.	Henderson
Andrews, N. Dak.	Davis, Wis.	Hicks, Mass.
Annuozio	de la Garza	Hicks, Wash.
Archer	Delaney	Hillis
Arends	Dennis	Hogan
Ashbrook	Dent	Hollifield
Aspinall	Devine	Horton
Baker	Dickinson	Hosmer
Baring	Dingell	Howard
Belcher	Dorn	Hull
Bell	Duncan	Hunt
Bennett	Dwyer	Hutchinson
Bevill	Edwards, Ala.	Jarman
Blanton	Erlenborn	Johnson, Calif.
Boland	Eshleman	Johnson, Pa.
Bolling	Evans, Colo.	Jonas
Bow	Evins, Tenn.	Jones, Ala.
Bray	Fascell	Jones, N.C.
Brinkley	Findley	Jones, Tenn.
Brooks	Fish	Kazen
Broomfield	Fisher	Keith
Brotzman	Flood	Kemp
Brown, Mich.	Flowers	King
Brown, Ohio	Flynt	Kluczyński
Broyhill, Va.	Foley	Kuykendall
Buchanan	Ford, Gerald R.	Kyl
Burke, Fla.	Fountain	Landgrebe
Burleson, Tex.	Frelinghuysen	Landrum
Burlison, Mo.	Frey	Latta
Byrne, Pa.	Fulton, Tenn.	Lennon
Byrnes, Wis.	Fuqua	Lent
Byron	Gallifanakis	Lloyd
Cabell	Gallagher	Long, La.
Caffery	Garmatz	Long, Md.
Camp	Gettys	McCollister
Carter	Gialmo	McCormack
Casey, Tex.	Goldwater	McCulloch
Cederberg	Gonzalez	McDade
Chamberlain	Goodling	McEwen
Clancy	Grasso	McFall
Clark	Gray	McKay
Clawson, Del.	Green, Oreg.	McMillan
Cleveland	Griffin	Macdonald,
Collier	Grover	Mass.
Collins, Tex.	Gubser	Mahon
Colmer	Haley	Mailliard
Conable	Hammer-	Mann
Conte	schmidt	Martin
Corman	Hansen, Idaho	Mathis, Ga.
	Hansen, Wash.	Matsunaga

Mayne	Quie	Stratton
Meeds	Quillen	Stubblefield
Michel	Randall	Stuckey
Miller, Calif.	Rarick	Sullivan
Miller, Ohio	Rees	Symington
Mills, Md.	Rhodes	Talcott
Minish	Robinson, Va.	Taylor
Minshall	Rodino	Teague, Calif.
Mizell	Rogers	Terry
Molloyhan	Rooney, N.Y.	Thompson, Ga.
Monagan	Rooney, Pa.	Thomson, Wis.
Montgomery	Rostenkowski	Thone
Morgan	Roush	Tiernan
Moss	Ruppe	Ullman
Murphy, Ill.	Ruth	Van Deerlin
Myers	St Germain	Vander Jagt
Natcher	Sandman	Veysey
Nelsen	Satterfield	Waggonner
Nichols	Saylor	Wampler
Nix	Scherle	Ware
O'Hara	Schmitz	Whalley
O'Neill	Scott	White
Passman	Shipley	Whitehurst
Patman	Shoup	Whitten
Patten	Shriver	Widnall
Pelly	Sikes	Wiggins
Pepper	Skubltz	Williams
Perkins	Slack	Wilson, Bob
Pettis	Smith, Calif.	Wilson,
Peyser	Smith, Iowa	Charles H.
Pickle	Smith, N.Y.	Wright
Pike	Spence	Wyatt
Pirnie	Springer	Wyle
Poage	Staggers	Wyman
Poff	Stanton,	Young, Fla.
Powell	J. William	Young, Tex.
Preyer, N.C.	Steele	Zablocki
Price, Ill.	Stelger, Ariz.	Zion
Price, Tex.	Stelger, Wis.	
Furcell	Stephens	

NOT VOTING—39

Abbitt	Diggs	McClure
Alexander	Dowdy	McKevitt
Anderson,	Downing	Mathias, Calif.
Tenn.	Dulski	Mikva
Betts	Edmondson	Mills, Ark.
Blackburn	Edwards, La.	Murphy, N.Y.
Blatnik	Griffiths	Podell
Boggs	Hagan	Roberts
Celler	Halpern	Runnels
Chappell	Hanna	Sisk
Chasen	Ichord	Steed
Cotter	Keating	Teague, Tex.
Derwinski	Kee	Wylder
	Link	

(By unanimous consent, Mr. CULVER changed his vote from "no" to "aye.")
So the amendment was rejected.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Jacobs: On page 48, immediately following line 7, add the following new section under Title VII:

Sec. 745. In line with Title VI of the 1971 Military Procurement Act calling for termination of all U.S. military operations in Indo-China at the earliest practicable date and for the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners and an accounting for all Americans missing in action, and notwithstanding any other provisions in this Act, none of the funds appropriated by this Act shall be used to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos or Cambodia, after November 7, 1972, if all American prisoners shall have first been released and all Americans missing in action shall have been accounted for.

Mr. BOW. Mr. Chairman, I make a point of order against the amendment on two grounds:

First, very simply, the November 7, 1972, date goes beyond the fiscal year for which this appropriation is being made;

Second, and I think most important, is the final paragraph, which was also written into the Boland amendment: "if all American prisoners shall have first been

released and all Americans missing in action shall have been accounted for."

This provision places an additional responsibility and duty upon someone, but there is nothing in the amendment as to who would have that responsibility and duty. The amendment provides that all prisoners must have been released or accounted for. I repeat that this is an additional responsibility in legislation in this amendment. Therefore I urge my point of order.

The CHAIRMAN. Does the gentleman from Indiana wish to be heard on the point of order?

Mr. JACOBS. Yes, Mr. Chairman. I would say, first of all, if the funds appropriated in this vehicle will end prior to the time mentioned in the amendment, then it would conform to the amendment in any case. So far as the responsibility is concerned, this is only a provision that the amendment will take effect on the happening of an event. That event may or may not happen. It places no responsibility on anyone.

If the prisoners are released before the event has taken place, it places no responsibility on anybody.

Mr. YATES. Mr. Chairman, further on the point of order I should like to point out, in response to the remarks of the distinguished gentleman from Ohio (Mr. Bow), that there are funds provided in the bill for programs that go beyond the end of the fiscal year.

The CHAIRMAN (Mr. ROSTENKOWSKI). The Chair is ready to rule. The Chair will point out, first, that there are funds in the bill that do go beyond this fiscal year, and therefore holds that the termination date included in the amendment of the gentleman from Indiana does not render the amendment not germane.

Second, as to the point raised by the gentleman from Ohio (Mr. Bow), there are no additional duties required by the last clause of the amendment. Those duties referred to by the gentleman from Ohio, if any, are already anticipated by title VI of the Military Procurement Act, which is referred to in the amendment and which was signed into law by the President today.

For these reasons, the Chair overrules the point of order.

The Chair recognizes the gentleman from Indiana (Mr. Jacobs) for 5 minutes in support of his amendment.

Mr. JACOBS. I have spoken to very few Americans who do not believe that American military intervention in Southeast Asia will end by next election day. I offer this amendment just to make sure.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment.

MOTION OFFERED BY MR. MAHON

Mr. Chairman, I move that all debate on this amendment and all amendments thereto do now close.

The CHAIRMAN. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. Jacobs).

The question was taken; and on a divi-

November 17, 1971

sion (demanded by Mr. JACOBS) there were—ayes 52, noes 161.

So the amendment was rejected.

Mrs. ABZUG. Mr. Chairman, I rise in opposition to H.R. 11731, the Defense Appropriations bill for 1972. In the context in which we are functioning in the House of Representatives, a vote for this bill would be irrational.

First, I cannot with any shred of conscience, vote \$1; to say nothing of \$71.05 billion, until we have set a date to end the most hated and most expensive war in American history. The \$23 billion a year that this war in Indochina has cost us has been the least of the prices we have paid. I count the suffering, the deaths and the injuries, among the people of Indochina as well as among our own young, the deepening cynicism, the alienation of our young people as part of the increasingly intolerable costs of this war. The President announces in an offhand way, the reduction of American troops in South Vietnam. He neglects to mention the increasing number of bombs and air attacks, the increasing number of refugees and civilian casualties. South Vietnam, thanks to moneys like those here before us today, U.S. defense moneys, has the fourth largest army in the world to "secure" a country the size of Texas with a population of 20 million. Thanks to moneys like these here before us today, Indochina has the most heavily bomb saturated terrain of any area ever in the world.

And our constituents cry out for an end: According to recent surveys more than 75 percent of Americans want us out of Vietnam now; some 55 percent do not want even a residual force left behind; and in the districts of the leaders of this House the expressed views of a majority of their constituents are not being represented by their Congressmen's continuing support for this unending war.

We in the House of Representatives do not reflect this agony. We act here to appropriate \$71.05 billion, an estimated minimum of \$10 billion of which will go for men and materiel in Indochina. I submit that the only rational act, the only representative act, we will do today is vote "yes" on the amendment offered by Mr. BOLAND to title VII to cut off funds for this war after June 1, 1972. We now have an opportunity to vote clearly on this war—not merely as an expressed wish of Congress, but in a most practical way—by cutting off funds. We have a chance to undo the damage done by this body's unquestioning support of the Gulf of Tonkin resolution which resulted in the enormous U.S. involvement in Indochina. The House voted to repeal the resolution; we can vote today to terminate its implications. Mr. HARRINGTON suggests—and I wholeheartedly agree with him—that to continue to support the executive in its undeclared war by financing it amounts to a declaration of war. I appeal to you to vote "yes" on Mr. BOLAND's amendment.

Secondly, we act here, as the committee report accompanying this legislation reminds us, in the name of "national security." Yet we refuse to do what is necessary to make our country secure, to bring home the thousands of young peo-

ple who have fled their country, the countless who are dying and suffering injury in a corner of the world whose impact on our national security is at best minimal and the prisoners of war who have endured long enough.

We act here, with only 3 hours of debate and a couple of amendments, to appropriate an amount just under that we have already appropriated this session for a total of 14 other fiscal year 1972 programs: In other words, this single appropriation is equal to the sum total of every other program our country has invested in for this period.

In title I of this bill, personnel, we vote on a figure to pay the employees of the defense establishment which, even with its cut from last year's figure at \$21 billion, is still more than the biggest appropriation bill to come before us this session—the total \$20.8 billion budget for the Department of Health, Education, and Welfare with its myriad of programs for the benefit of the American people. In title III, operations and maintenance, the committee recommends \$20.4 billion, a sum only slightly less than the HEW appropriations and more than the entire \$18 billion appropriations for HUD, the source of all Federal programs which attempt to ensure a "decent home in a suitable living environment for every American family." In title IV procurement, we will vote on the committee recommendation of \$18 billion while the administration threatens to veto the Comprehensive Child Development Act which would authorize \$100,000 for fiscal year 1972 to plan a program which would cost \$2 billion in fiscal year 1973. To say nothing of title VIII which provides \$93 million for ABM development and construction—four times the \$17 million we appropriated over Mr. Nixon's objections, for summer food programs for our children. In light of our defense spending, the \$1 billion we appropriated for the Emergency Employment Act can be seen in its proper perspective, and shows us for what we are—a country that places military needs above human needs.

The sum total sought in this legislation which we may well dispose of in short order, falls only slightly short of these 14 other bills on which we have spent at least 50 hours of floor debate and fought out countless amendments. And this in the name of "national security." I submit that it is precisely our national security we are jeopardizing by operating under the set of priorities that are reflected in our work this session of Congress on appropriations measures. The national security that we enjoy as a result of our frantic competitiveness in arms races, in nuclear testings, in the development of supersophisticated material is beyond the point of surfeit; it is overkill, to use the military jargon. It is our other national security, that of a loyal citizenry, employed, decently housed, fed, and educated, that we must turn ourselves to protecting. Until our perspective has righted itself, starting at the most elemental—getting the U.S. troops out of Vietnam—I cannot cast my vote for this bill.

Mr. COTTER. Mr. Chairman, I want to

compliment the gentleman from Texas and his committee for their outstanding work on this most complicated bill.

I note with satisfaction that the committee report focuses on the so-called "fly before you buy" procurement concept that was heralded by DOD just a few months ago. This new policy seems to be mired in public relations with little or no substantive action.

I want to point out to the distinguished chairman that I have requested a "fly-off" between the trouble-plagued Cheyenne AH 56 helicopter and the Sikorsky 57 Blackhawk, because I am confident that the Sikorsky helicopter is a superior aircraft. I have not received a reply to this request and I was wondering if the gentleman could assure me that his committee will follow through on this and other procurement programs which could benefit from the "fly before you buy" policy.

Mr. VANIK. Mr. Chairman, in view of the action of the House in defeating the Boland amendment, I must vote against the defense appropriation bill. The Boland amendment was a very reasonable proposal to terminate our involvement in Southeast Asia on June 1, 1972, contingent on the release of our prisoners of war.

In view of the recent decision of the U.S. Court of Appeals in Massachusetts, a continuation of unrestrained defense spending in Southeast Asia constitutes ratification by Congress of the continuation of this tragic war.

For over 4 years I have stated by opposition and cast my votes for proposals to end this war. At the Democratic Convention of 1968, I supported the peace plank. In this Congress I filed a discharge petition on legislation to end the war.

Until peace is achieved in Southeast Asia, I fear that this legislation will be used one way or another to continue the conflict and our involvement. In good conscience I cannot support the continuation of the slaughter and destruction in Southeast Asia which continues to take a tremendous toll in human life.

Mr. MAHON. Mr. Chairman, has the Clerk concluded the reading of the bill?

The CHAIRMAN. No. The Clerk has not.

The Clerk will read.

The Clerk concluded the reading of the bill.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes, pursuant to House Resolution 704, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MAHON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 342, nays 51, answered “present” 2, not voting 35, as follows:

[Roll No. 402]

YEAS—342

Abernethy	du Pont	Kuykendall
Adams	Dwyer	Kyl
Addabbo	Edwards, Ala.	Kyros
Anderson,	Erlenborn	Landgrebe
Calif.	Esch	Landrum
Anderson, Ill.	Eshleman	Latta
Andrews, Ala.	Evans, Colo.	Leggett
Andrews,	Evins, Tenn.	Lennon
N. Dak.	Fascell	Lent
Annuizio	Findley	Lloyd
Archer	Fish	Long, La.
Arends	Fisher	Long, Md.
Ashbrook	Flood	McClary
Ashley	Flowers	McCollister
Aspinall	Flynt	McCormack
Baker	Foley	McCulloch
Baring	Ford, Gerald R.	McDade
Begich	Forsythe	McDonald,
Belcher	Fountain	Mich.
Bell	Frelinghuysen	McEwen
Bennett	Frenzel	McFall
Bergland	Frey	McKay
Bevill	Fulton, Tenn.	McKinney
Biaggi	Fuqua	McMillan
Biester	Gallifanakis	Macdonald,
Blanton	Gallagher	Mass.
Boland	Garmatz	Madden
Bolling	Gaydos	Mahon
Bow	Gettys	Mailliard
Brademas	Gialmo	Mann
Brasco	Gibbons	Martin
Bray	Goldwater	Mathis, Ga.
Brinkley	Gonzalez	Matsunaga
Brooks	Goodling	Mayne
Broomfield	Grasso	Mazzoli
Brotzman	Gray	Meeds
Brown, Mich.	Green, Oreg.	Melcher
Brown, Ohio	Griffin	Michel
Broyhill, N.C.	Gross	Miller, Calif.
Broyhill, Va.	Grover	Miller, Ohio
Buchanan	Gubser	Mills, Md.
Burke, Fla.	Gude	Minish
Burke, Mass.	Hagan	Mink
Burleson, Tex.	Haley	Minshall
Burleson, Mo.	Hall	Mizell
Byrne, Pa.	Hamilton	Mollohan
Byrnes, Wis.	Hammer-	Monagan
Byron	schmidt	Montgomery
Cabell	Hanley	Moorhead
Caffery	Hanna	Morgan
Camp	Hansen, Idaho	Morse
Carney	Hansen, Wash.	Moss
Carter	Harsha	Murphy, Ill.
Casey, Tex.	Harvey	Murphy, N.Y.
Cederberg	Hastings	Myers
Chamberlain	Hathaway	Natcher
Clancy	Hays	Nelsen
Clark	Hébert	Nichols
Clawson, Del.	Heckler, Mass.	O'Hara
Cleveland	Heinz	O'Konski
Collier	Henderson	O'Neill
Collins, Tex.	Hicks, Mass.	Passman
Colmer	Hicks, Wash.	Patman
Conable	Hillis	Patten
Conte	Hogan	Pelly
Corman	Holifield	Pepper
Coughlin	Horton	Perkins
Crane	Hosmer	Pettis
Culver	Howard	Peyser
Daniel, Va.	Hull	Pickle
Daniels, N.J.	Hunt	Pike
Danielson	Hutchinson	Pirnie
Davis, Ga.	Ichord	Poage
Davis, S.C.	Jacobs	Poff
Davis, Wis.	Jarman	Powell
de la Garza	Johnson, Calif.	Preyer, N.C.
DeLaney	Johnson, Pa.	Price, Ill.
Dellenback	Jonas	Price, Tex.
Denholm	Jones, Ala.	Pryor, Ark.
Dennis	Jones, N.C.	Pucinski
Dent	Jones, Tenn.	Purcell
Devine	Karh	Quie
Dickinson	Kazen	Quillen
Dingell	Keith	Rallsback
Donohue	Kemp	Randall
Dorn	King	Rarick
Duncan	Kluczynski	Reid, N.Y.

Rhodes
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebellus
Shibley
Shoup
Shriver
Sikes
Sisk

Abourezk
Abzug
Aspin
Badillo
Barrett
Bingham
Burton
Carey, N.Y.
Chisholm
Clay
Collins, Ill.
Conyers
Dellums
Dow
Drinan
Eckhardt
Edwards, Calif.
Eilberg

ANSWERED “PRESENT”—2

Riegle Thompson, Ga.

NOT VOTING—35

Abbitt	Derwinski	McKevitt
Alexander	Diggs	Mathias, Calif.
Anderson,	Dowdy	Mikva
Tenn.	Downing	Mills, Ark.
Betts	Dulski	Podell
Blackburn	Edmondson	Roberts
Blatnik	Edwards, La.	Runnels
Boggs	Griffiths	Sarbanes
Celler	Halpern	Steed
Chappell	Keating	Vander Jagt
Clausen,	Kee	Wydler
Don H.	Link	
Cotter	McClure	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Thompson of Georgia for, with Mr. Podell against.

Mrs. Griffiths for, with Mr. Mikva against.

Mr. Boggs for, with Mr. Diggs against.

Until further notice:

Mr. Steed with Mr. Betts.

Mr. Link with Mr. Keating.

Mr. Roberts with Mr. Blackburn.

Mr. Runnels with Mr. Don H. Clausen.

Mr. Chappell with Mr. Derwinski.

Mr. Celler with Mr. Halpern.

Mr. Alexander with Mr. McClure.

Mr. Downing with Mr. Vander Jagt.

Mr. Kee with Mr. McKevitt.

Mr. Dulski with Mr. Wylder.

Mr. Edmondson with Mr. Mathias of California.

Mr. Abbitt with Mr. Cotter.

Mr. Blatnik with Mr. Anderson of Tennessee.

Mr. Mills of Arkansas with Mr. Dowdy.

Mr. THOMPSON of Georgia. Mr. Speaker, I have a live pair with the gentleman from New York (Mr. PODELL). If

Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton,
J. William
Stanton,
James V.
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thomson, Wis.
Thone
Tiernan

NAYS—51

Ford,	Obey
William D.	Rangel
Fraser	Rees
Green, Pa.	Reuss
Harrington	Rosenthal
Hawkins	Roybal
Hechler, W. Va.	Ryan
Helstoski	Scheuer
Hungate	Selberling
Kastenmeyer	Stokes
Koch	Thompson, N.J.
Lujan	Vanik
McCloskey	Waldie
Metcalfe	Whalen
Mitchell	Wolf
Mosher	Yates
Nedzi	
Nix	

he had been present he would have voted “nay.” I voted “yea.” I withdraw my vote and vote “present.”

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Defense appropriation bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REQUEST TO ADJOURN TO 11 A.M. TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet at 11 o'clock tomorrow morning.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. CRANE. I object, Mr. Speaker.

FOREIGN AID AUTHORIZATION, 1972

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 710, Rept. No. 92-674), which was referred to the House Calendar and ordered to be printed:

H. RES. 710

Resolved, That immediately upon the adoption of this resolution and without the intervention of any point of order the bills of the Senate S. 2819 and S. 2820 are hereby taken from the Speaker's table; that said Senate bills are hereby amended by striking out all after the enacting clause of each such Senate bill and inserting in lieu thereof the text of the bill H.R. 9910 as passed by the House on August 3, 1971; that the said Senate bills as so amended shall be considered as read a third time and passed; that the title of each such Senate bill shall be amended by striking out such title and inserting in lieu thereof the title of H.R. 9910; that the House insists upon its amendments to each such Senate bill and requests conferences with the Senate, and that the Speaker appoint managers on the part of the House to attend each such conference.

AMENDMENTS BY MR. THOMPSON OF NEW JERSEY TO AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 11060, A BILL TO LIMIT CAMPAIGN EXPENDITURES

Mr. THOMPSON of New Jersey. Mr. Speaker, at the appropriate time during consideration of H.R. 11060, a bill to limit campaign expenditures, I intend to offer an amendment to the text of H.R. 11280 if the text of that bill is offered as an amendment in the nature of a substitute for H.R. 11060. I ask unanimous consent to have the amendment printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text is as follows:

AMENDMENTS OFFERED BY MR. THOMPSON OF NEW JERSEY TO AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED TO H.R. 11060

(Page and line references to H.R. 11280.)

Page 23, strike out lines 19 and 20 and insert in lieu thereof the following:

(g) "Registry" means the Registry of Election Finance, established by section 310(a);

(h) "Board" means the Federal Elections Board, established under section 310(b);

Page 23, line 21, strike out "(h)" and insert in lieu thereof "(i)".

Page 23, line 24, strike out "(i)" and insert in lieu thereof "(j)".

Page 25, line 21, strike out "Commission" and insert in lieu thereof "Board".

Page 26, beginning on line 9, strike out "Federal Elections Commission" and insert in lieu thereof "Registry of Election Finance".

Page 26, line 13, strike out "Commission" and insert in lieu thereof "Registry".

Page 26, line 16, strike out "him" and insert "the Registry".

Page 27, line 6, strike out "Commission" and insert in lieu thereof "Board".

Page 27, line 11, strike out "Commission" and insert in lieu thereof "Registry".

Page 27, beginning on line 17, strike out "Commission at such time as it prescribes" and insert in lieu thereof "Registry at such time as the Board prescribes".

Page 28, line 23, strike out "Commission" and insert in lieu thereof "Board".

Page 29, beginning on line 1, strike out "Commission" and insert in lieu thereof "Registry".

Page 29, line 7, strike out "Commission" and insert in lieu thereof "Registry".

Page 29, line 12, strike out "Commission" and insert in lieu thereof "Registry".

Page 29, line 13, strike out "it" and insert in lieu thereof "the Board".

Page 29, line 18, strike out "Commission" and insert in lieu thereof "Board".

Page 32, line 7, strike out "Commission" and insert in lieu thereof "Board".

Page 32, line 9, strike out "Commission" and insert in lieu thereof "Board".

Page 32, line 12, strike out "Commission" and insert in lieu thereof "Board".

Page 33, line 1, strike out "Commission" and insert in lieu thereof "Registry".

Page 33, line 15, strike out "Commission" and insert in lieu thereof "Board".

Page 33, line 16, strike out "Commission" and insert in lieu thereof "Board".

Page 33, line 23, strike out "Commission" and insert in lieu thereof "Board".

Page 34, line 23, strike out "Commission" and insert in lieu thereof "Registry".

Page 34, line 34, strike out "it" and insert in lieu thereof "the Board".

Page 35, strike out lines 3 through 8 and insert in lieu thereof the following:

"Duties of the Registry and Board

"Sec. 208. (a) It shall be the duty of the Registry—

"(1) to furnish such forms as the Board may prescribe for the making of reports and statements required to be filed with the Registry under this title to the person required under this title to file such reports and statements;"

Page 36, beginning on line 15, strike out "it shall determine and broken down into" and insert in lieu thereof "the Board shall determine for".

Page 36, line 21, strike out "it shall determine and broken down into" and insert in lieu thereof "the Board shall determine for".

Page 37, line 1, insert "as the Board directs" before "special".

Page 37, line 5, strike out "it" and insert in lieu thereof "the Board".

Page 37, line 8, insert "and" after the semicolon.

Page 37, strike out line 13 and all that follows down through line 23 on page 38, and insert in lieu thereof the following:

"quired under the provisions of this title.

"(b) It shall be the duty of the Board—

"(1) to direct the activities of the Registry to assure that it carries out the duties required of it under subsection (a) of this section;

"(2) to report apparent violations of law to the appropriate law enforcement authorities and take appropriate action under subsection (c); and

"(3) to prescribe such rules and regulations, and to take such other actions, as it determines are necessary or appropriate to carry out the provisions of this title.

"(c) (1) Any person who believes a violation of this Act has occurred may file a complaint with the Registry. If the Board determines there is substantial reason to believe such a violation has occurred, it shall direct the Registry to expeditiously make an investigation of the matter complained of. Whenever in the judgment of two-thirds of the members of the Board, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act or any regulation or order issued thereunder, the Board shall institute a civil action for appropriate relief in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or preliminary injunction or temporary restraining order may be granted without bond by such court, but no temporary restraining order may be granted without hearing.

"(2) In any action brought under paragraph (1) of this subsection, subpoenas for witnesses who are required to attend a United States district court may run into any other district.

"(3) The courts of appeals shall have jurisdiction of appeals from orders issued under paragraph (1) in accordance with chapter 83 of title 28, United States Code."

Page 39, line 11, strike out "Commission" and insert in lieu thereof "Registry".

Page 39, line 16, strike out "Commission" and insert in lieu thereof "Board".

Page 40, line 11, insert before the semicolon the following:

"Provided that any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose"

Page 40, strike out line 15 and all that follows down through line 20 on page 43 and insert in lieu thereof the following:

"Registry of Election Finance and Federal Elections Board

"Sec. 310. (a) There is hereby created in the General Accounting Office a Registry of Election Finance.

"(b) In carrying out the duties prescribed by this Act the Registry shall be subject to the direction of a Board to be known as the Federal Elections Board, which shall be composed of seven members consisting of the Comptroller General of the United States, and six appointive members who shall be chosen from persons who, by reason of maturity experience, and public service have attained a nationwide reputation for integrity, impartiality, and good judgment, are qualified to carry out the duties of the Board. Two of such appointive members (who may not both be members of the same political party) shall be appointed by the President. Two of such appointive members (who may not both be members of the same political party) shall be appointed by the Speaker of the House of Representatives. Two of such appointive members (who may not both be members of the same political party) shall be appointed by the President pro tempore of

the Senate. Of the members (other than the Comptroller General) who first take office—

"(1) one shall be appointed for a term of two years, beginning from the date of enactment of this Act,

"(2) one for a term of four years, beginning from such date,

"(3) one for a term of six years, beginning from such date,

"(4) one for a term of eight years, beginning from such date,

"(5) one for a term of ten years, beginning from such date, and

"(6) one for a term of twelve years, beginning from such date,

as designated by the Comptroller General at the time such members take office; but their successors shall be appointed for terms of twelve years each, except that a person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. No appointive member of the Board may be a Member of Congress or an officer or employee of the House or Senate. The Board shall designate one member to serve as Chairman of the Board and one member to serve as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

"(c) A vacancy on the Board shall not impair the right of the remaining members to exercise all the powers of the Board; except that four members thereof shall constitute a quorum.

"(d) The Registry shall have an official seal which shall be judicially noticed.

"(e) The Board shall at the close of each fiscal year report to the Congress and to the President concerning the actions it has taken; the names, salaries, and duties of all individuals in the Registry's employ and the money the Registry has disbursed; and shall make such further reports on the matters within the Board's jurisdiction and such recommendations for further legislation as may appear desirable.

"(f) (1) Subject to paragraph (2), members of the Board shall, while serving on the business of the Board, be entitled to receive compensation at a rate fixed by the Director of the Office of Management and Budget, but not in excess of the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule, for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Board.

"(2) Members of the Board who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the Board.

"(3) While away from their homes or regular places of business in the performance of services for the Board, members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

"(g) The principal office of the Registry shall be in or near the District of Columbia, but the Board may meet or exercise any of its powers at any other place.

"(h) All officers, agents, attorneys, and employees of the Registry or the Board shall be subject to the provisions of sections 7323 and 7324 of title 5, United States Code (relating to political activities of Federal employees), notwithstanding any exemption contained in either such section.

"(i) The Board shall appoint an Executive Director of the Registry without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, to serve at the pleasure of the Board. The Executive Director shall be responsible for the administrative operations of the Registry and shall perform such other duties as may be delegated or assigned

gas if we will only take advantage of the opportunity open to us.

The President called for a cooperative program involving Government and industry to speed the development of an economically acceptable gasification process. Industry, through the American Gas Association, responded by agreeing to put up \$10 million, or one-third of the first-year cost of an accelerated program. It is now up to the Congress to demonstrate its good faith by putting up its two-thirds share, or \$10 million on top of the \$10 million appropriated earlier this year for gasification research.

Within the last few weeks the Department of the Interior, anticipating congressional approval of the accelerated gasification effort, signed a \$24.8 million contract with Bituminous Coal Research, Inc., for the development of one promising commercial coal gasification process. This, incidentally, was the largest contract ever awarded by Interior's Office of Coal Research.

The contract calls for BCR, the research affiliate of the National Coal Association, to build and operate a coal gasification pilot plant at Homer City, Pa., near a plentiful source of bituminous coal. The plant will use the BI-GAS process of conversion which BCR, under the sponsorship of OCR, has been investigating at a smaller scale level for the past 7 years. This pilot plant will be in addition to coal gasification pilot plants in or near operation by other organizations which have Interior Department funding.

I am informed, Mr. President, that the reason for this multiplant effort is that there are a number of potential approaches to gasifying coal, each with its own technology, cost, and suitability for various coal resources. All of these are still to be proven in the critical pilot plant stage. Gasification research and development along a number of lines increases the chances for the much needed successful development of one or more commercially viable coal gasification processes. As OCR Director George Fumich has said, "we do not have all our eggs in one basket in an effort that is vital to our future domestic gas supply."

The acceleration of Government-industry support of coal gasification represented by the OCR-BCR contract is definitely needed despite plans announced by individual fuel companies to build gasification plants using existing technology. Of course, the basic technology for coal gasification has been well established for years. I am told that before BCR elected to develop its BI-GAS process, it evaluated 65 different gasification processes that have been conceived or used here or abroad.

The Nation's urgent need now, however, is for a coal gasification process that will be economically viable in our future fuel economy. The day will probably come when the Nation will need a supplement for natural gas at any cost, but the principal objective of current U.S. research and development is to bring the cost of synthetic gas within the competitive range of rising prices for imports of such substitutes as liquefied

natural gas and gas made from imported hydrocarbon liquids such as naphtha.

In any case, current coal gasification processes to be tested in Government-industry sponsored pilot plants offer promise without technological duplication. In announcing the contract award to Bituminous Coal Research, Secretary Morton said:

A key feature of the BI-GAS process is its inherent straightforward simplicity.

The experts say that the advantages of the BI-GAS process certainly qualify it for accelerated development as a method of converting all ranks of coal—from lignite to bituminous coal—to pipeline-quality gas, which means the process gas is pure enough and has the high heat value necessary or interchangeability with natural gas in the Nation's pipelines. The yield from the BI-GAS process is a clean-burning gas rich in methane—the principal ingredient in natural gas itself. But the other processes being pursued by Government and industry also have potential advantages. It is likely, I understand, that the final commercial process may well be a combination of several of the research processes.

I understand that the BI-GAS process and others being researched also meet the demand for a nonpolluting fuel, eliminating from the final gas product such unwanted elements as sulfur compounds. Selective purification systems remove the pollutant and pass it to a separate unit for recovery of sulfur. Under favorable market conditions, the recovered sulfur could be sold as a by-product, giving the process an operating credit against the cost of producing gas.

Although the BI-GAS pilot plant is designed to consume only 120 tons of coal per day and to produce a relatively small amount of pipeline gas—about 2 to 3 million cubic feet a day—it will provide the necessary data to design a plant capable of using 12,000 tons of coal and producing 250 million cubic feet of gas a day—the gas output considered necessary for commercial success.

The capital investment in a coal gasification plant of that size has been estimated at about \$250 million—a far greater sum than that called for in pilot plant development and one that will be borne by industry, not by Government. Federal spending on coal gasification research and development is now helping to pay merely for the technological base of the huge synthetic fuel structure that industry will build to assure the Nation's energy future.

Mr. President, we hear much these days about the possibility of fuel shortages which could lead to brownouts or blackouts. I do not want to be an alarmist, but it seems to me that prudence and commonsense tell us we must get along with the program the President has recommended. I trust Congress will see fit to act very soon on the supplemental money requests he has made for the purpose of assuring the Nation a plentiful supply of clean energy. For if it does not, the program envisioned by President Nixon for accelerated research and for the emergence of a synthetic fuel industry in this decade will be jeopardized.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

A UNANIMOUS-CONSENT AGREEMENT—TIME FOR ROLLCALL VOTES ON TREATIES AND PROTOCOL ON MONDAY, NOVEMBER 29, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that this time not be charged against either side.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order providing for the three rollicalls on the two treaties and one protocol to begin at 11 o'clock Monday next be changed to 1 o'clock Monday next.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, it can be anticipated, then, that the debate on phase 2 will begin at the conclusion of the morning business on Monday next.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1972

Mr. ELLENDER. Mr. President, yesterday, when the defense bill was passed, I asked unanimous consent that certain technical corrections be made in the bill.

We find this morning that there was a mistake made in addition of figures. I therefore ask unanimous consent that the Secretary of the Senate be authorized in the engrossment of Senate amendments to H.R. 11731 to correct the figure beginning on line 26 on page 23 and line 1 on page 24 to \$2,352,319,000 and correct the figure in the amendment by the Senator from Colorado from \$2,293,619,000 to \$2,352,319,000.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

CREDIT UNION SHARE INSURANCE AMENDMENTS

The PRESIDENT pro tempore. In accordance with the previous order, the Chair lays before the Senate the unfinished business, which the clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 438, H.R. 9961, a bill to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDENT pro tempore. Debate on the bill is controlled. Who yields time?

Mr. BENNETT. Mr. President, I yield myself 5 minutes on the bill.

The PRESIDENT pro tempore. The Senator from Utah is recognized for 5 minutes.

Mr. BENNETT. Mr. President, just 13

months ago on October 19, 1970, a program of Federal share insurance was established. The law required that all Federal credit unions apply for the insurance and authorized State-chartered credit unions to apply. The law provided that,

"The Administrator shall reject the application of any credit union for insurance of its member accounts if he finds that its reserves are inadequate, that its financial condition and policies are unsafe or unsound, that its management is unfit, that insurance of its member accounts would otherwise involve undue risk to the fund, or that its powers and purposes are inconsistent with the promotion of thrift among its members and the creation of a source of credit for provident or productive purposes.

If the application of a Federal credit union was rejected by the Administrator, because it failed to meet the requirements for insurance, the credit union was allowed a 1-year period in which to correct any deficiencies and obtain insurance. If it was not insurable within the year, the law required the Administrator to either suspend or revoke its charter.

At the present time, there are just under 1,300 active credit unions whose shares have not been insured. Unless the requirement of the present Credit Union Act that the Administrator suspend or revoke the charter of Federal credit unions which do not become insured within 1 year from the initial rejection is amended, the liquidation of Federal credit unions could begin in January of 1972.

Section 1 of H.R. 9961 would extend the time period during which Federal credit unions may qualify for share insurance for an additional 2 years, or a total of 3 years. The Administrator of the National Credit Union Administration has estimated that about half of the initially rejected credit unions will be qualified for insurance within the year from the date of their initial rejection and that, given additional time, all but about 365 credit unions would become insurable.

This is an estimate looking forward for a 2-year period.

Section 2 of the bill provides that Federal share insurance may not be denied to State credit unions which may accept demand deposits under State law, if the credit union otherwise meets the requirements for insurance established under the act, provided however, that the demand deposits are not covered by the Federal share insurance and that the demand deposit accounts are subordinate to share accounts in the event of the liquidation of such an insured State credit union. This provision was approved by the committee in response to a situation existing in the State of Rhode Island where the legislature enacted legislation which permitted credit unions chartered by the State to offer demand deposits subject to certain conditions.

Section 2 of the committee bill does not provide demand deposit authority for federally chartered credit unions nor is it intended in any way to either encourage or discourage demand deposit authority for credit unions which are under State jurisdiction.

Section 3 of the bill provides the Administrator of the National Credit Union Administration with additional authority in the liquidation of a credit union or in assisting a credit union which may be in financial difficulty. Under present law, the Administrator is authorized to merge a credit union under his jurisdiction only with another insured credit union. He is authorized to guarantee the obligations of a credit union only to a third party insured credit union. The committee bill would authorize the Administrator to make such appropriate arrangements with any credit union, individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other agency, for the purpose of merger or for the purpose of improving the financial status of the Federal Credit Union.

Mr. President, the bill before us bears the number H.R. 9961 and is, in effect, identical with the bill passed by the House. During discussion in committee, an amendment was presented which was rejected, but I understand it will be presented on the Senator floor today.

With this brief explanation of the purpose of the bill, I will yield the floor. I expect to claim more time to discuss the amendment if it is offered.

The PRESIDENT pro tempore. Who yields time?

Mr. SPARKMAN. Mr. President, I yield myself 3 minutes.

The PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. SPARKMAN. Mr. President, I certainly support and concur in prompt legislation that will prevent some Federal credit unions from being forced into liquidation.

The Senator from Utah is the Senator who is entitled to the credit for bringing share insurance into being. He advocated it in the beginning, and this year introduced the legislation we are considering today. So far as I know, there is no controversy on the bill. We all agree that the legislation should be enacted.

As has already been noted, last year we enacted legislation providing Federal credit unions with share insurance program. In addition, we provided that State chartered credit unions could obtain share insurance if they wished to do so and if they could meet the qualification for share insurance contained in the legislation.

The law establishing the share insurance program provided that Federal credit unions would have 1 year after an application for share insurance had been rejected to correct deficiencies—to get their houses in order—to obtain insurance. The law further required that if a Federal credit union did not meet the standard within that year, the Administrator of the National Credit Union Administration could either suspend or revoke the union's charter.

Since enactment of last year's law, some 11,400 or about 88 percent of all Federal credit unions have been insured. About 1,200 have not. It is estimated that three-fourths of those that have not been insured can and will qualify for insurance. Certainly, Mr. President, I do not and I dare say that no one in this body

wishes to cause any credit union to be suspended from operation or have its charter revoked because it cannot presently qualify for insurance.

Last year's legislation was an attempt to provide security and insurance for those who place their hard earned savings in credit unions. The legislation was for the very purpose of protecting the credit union saver. Failure now to enact legislation extending the time to allow credit union to qualify for insurance would seem to me to nullify exactly what we were trying to accomplish by providing the insurance program initially.

PRIVILEGE OF THE FLOOR

Mr. SPARKMAN. Mr. President, I ask unanimous consent that Mr. Dudley L. O'Neal, staff director of our committee, and Mr. Reginald Barnes, may be permitted on the Senate floor during the debate on the bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PROXMIER. Mr. President, will the Senator from Alabama yield me for 3 minutes on the bill?

Mr. SPARKMAN. I yield to the Senator from Wisconsin.

Mr. PROXMIER. Mr. President, my remarks on H.R. 9961 will be necessarily brief because I believe the main controversy is on my amendment to the bill, and we will discuss that on separate time.

I believe it is safe to say that all members of the Committee on Banking, Housing, and Urban Affairs agreed that some immediate legislation is needed to prevent the forced liquidation of over 1,300 Federal credit unions. H.R. 9961 as reported by the committee provides a limited solution to the problem. I believe my amendment provides a far better solution; however, if my amendment should fail, I intend to support H.R. 9961 as reported.

In order to understand the need for legislation, it is necessary to review the legislative history of the credit union share insurance program enacted last year. Under this legislation, credit unions were given the same type of deposit insurance available to commercial banks and savings and loan associations. Each account was insured for a maximum of \$20,000. The entire program operates on insurance premiums collected from the credit unions themselves, hence, there is no involvement of the taxpayers' money.

I think that is very important, and I will bring it up again when my amendment is before the Senate.

Under the law, share insurance was made optional for State-chartered credit unions, but mandatory for federally chartered credit unions. The administration of the program was assigned to the National Credit Union Administration. The Administrator of that agency is directed to apply certain standards to those credit unions applying for insurance. Federal credit unions which fail to meet these standards are given one additional year from the time of their initial application to qualify. If at the end of the 1-year period they still fail to qualify, their Federal charter must be revoked or suspended. Unless such a credit union were able to obtain a State

Mr. DOMINICK. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified of the Senator from Colorado.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. HARTKE), the Senator from South Dakota (Mr. McGovern), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Maryland (Mr. BRALL), the Senator from New Hampshire (Mr. CORTON), the Senator from New York (Mr. JAVITS), and the Senator from Maine (Mrs. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. PERCY) is detained on official business.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) and the Senator from Maine (Mrs. SMITH) would each vote "nay."

The result was announced—yeas 59, nays 30, as follows:

[No. 393 Leg.]

YEAS—59

Alken	Fannin	Nelson
Allen	Fong	Packwood
Allott	Gambrell	Pearson
Baker	Goldwater	Pell
Bayh	Griffin	Ribicoff
Bennett	Gurney	Schweiker
Bentsen	Hansen	Scott
Bible	Hollings	Sparkman
Boggs	Hruska	Spong
Brock	Hughes	Stafford
Brooke	Humphrey	Stevens
Buckley	Inouye	Stevenson
Case	Jackson	Taft
Cook	Jordan, Idaho	Talmadge
Cooper	Kennedy	Thurmond
Cranston	Magnuson	Tower
Curtis	Mathias	Tunney
Dole	McGee	Welcker
Dominick	McIntyre	Williams
Ervin	Miller	

NAYS—30

Anderson	Fulbright	Mondale
Bellmon	Gravel	Montoya
Burdick	Harris	Moss
Byrd, Va.	Hart	Pastore
Byrd, W. Va.	Hatfield	Proxmire
Cannon	Jordan, N.C.	Randolph
Chiles	Long	Roth
Eagleton	Mansfield	Stennis
Eastland	McClellan	Symington
Ellender	Metcalf	Young

NOT VOTING—11

Beall	Javits	Percy
Church	McGovern	Saxbe
Cotton	Mundt	Smith
Hartke	Muskie	

So Mr. DOMINICK's amendment, as modified, was agreed to.

Mr. DOMINICK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GOLDWATER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair. The PRESIDING OFFICER (Mr. GRAVEL). The Chair recognizes the Senator from Missouri.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to the Senator from Montana.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session, to consider certain nominations at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. COURTS

The assistant legislative clerk read the following nominations, which were favorably reported earlier today by the Committee on the Judiciary:

James S. Holden, of Vermont, to be a U.S. district judge for the district of Vermont.

Ralph F. Scalera, of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania.

Clarence C. Newcomer, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

Charles M. Allen, of Kentucky, to be a U.S. district judge for the western district of Kentucky.

Alfred T. Goodwin, of Oregon, to be a U.S. circuit judge for the ninth circuit.

Levin H. Campbell, of Massachusetts, to be a U.S. district judge for the district of Massachusetts.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, I am very glad that the Senate has confirmed this evening Judge Charles M. Allen of Louisville, Ky., to be a U.S. district judge for the western district of Kentucky.

The nomination of Judge Allen by President Nixon has received wide approval in Kentucky. By reason of education, experience as a practicing lawyer and as an elected circuit court judge, a court of general jurisdiction in the Commonwealth of Kentucky, Judge Allen has superior qualifications. He is a man of fine and respected family background, of the highest integrity, and he is held in high regard by the bar, his colleagues of the judiciary and by the people of Louisville and Jefferson County.

I am sure that Judge Allen will fill his important office with great ability and honor.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislation business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1972

The Senate resumed the consideration of the bill (H.R. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

Mr. SYMINGTON. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats, and attachés will leave the Chamber.

INTELLIGENCE—THE GREAT WASTE IN GOVERNMENT

Mr. SYMINGTON. Mr. President, a premise to these observations, and the amendment which I thereupon plan to offer to this military appropriation bill, is based on a belief that the Senate is as much interested in the question of the overall structure and functioning of our intelligence apparatus as is the House of Representatives.

The PRESIDING OFFICER. Will the Senator send his amendment to the desk, so that it may be reported?

Mr. SYMINGTON. The amendment is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 49, between lines 2 and 3, insert the following:

Sec. 745. None of the funds appropriated in this Act in excess of \$4,000,000,000 may be available for expenses by the Central Intelligence Agency, the National Security Agency, and the Defense Intelligence Agency, and for intelligence work performed by or on behalf of the Army, Navy, and the Air Force.

Mr. SYMINGTON. Mr. President, one notes that earlier this month, in its report to the House, the House Committee on Appropriations made the following observations; and inasmuch as those observations confirm both our own thinking and our findings over recent years, I will read them into the Record at this point:

The Committee feels that the intelligence operations of the Department of Defense have grown beyond the actual needs of the Department and are now receiving an inordinate share of the fiscal resources of the Department.

Redundancy is the watchword in many intelligence operations. The same information is sought and obtained by various means and by various organizations.

Coordination is less effective than it should be.

Far more material is collected than is essential.

Material is collected which cannot be evaluated in a reasonable length of time and is therefore wasted.

New intelligence means have become available and have been incorporated into the program without offsetting reductions in old procedures.

As noted in this House report, their conclusions were based on extensive hearings—let us note also that last year this House Committee held extensive hearings on intelligence activities in the Department of Defense, the bulk of which proceedings were included in the public record.

During these hearings, the then Assistant Secretary of Defense, now Secretary of the Army, Secretary Froehke, who had been directed by the Secretary of Defense to review the intelligence programs, also testified that he was surprised to find that there was no comprehensive inventory of DOD intelligence assets. He thereupon stated that he concurred with the committee's expressed concern about duplication in the intelligence community.

In addition, this report states that the committee expects to review the intelligence program in total during the hearings on the fiscal year 1973 budget request.

In reviewing the hearings and reports of interested Senate committee's, we can find no comparable interest on their part with respect to the billions appropriated annually for intelligence.

Back in 1966, as a member of both the CIA Subcommittee of the Senate Armed Services Committee and also the Senate Foreign Relations Committee, I became concerned that, because of their lack of knowledge of certain intelligence matters bearing on foreign policy, members of the Foreign Relations Committee were not in a position to make intelligent judgment of certain U.S. policies overseas. Accordingly, I presented this situation as I saw it to the then chairman of Armed Services, the late Senator Russell.

At the beginning of the 90th Congress, in January 1967, Chairman Russell invited three members of the Foreign Relations Committee to sit with the CIA Subcommittee of Armed Services, which committee also included members of the Senate Appropriations Committee. This arrangement presumably continues, but the members of the Foreign Relations Committee participate as a matter of grace, not of right. I say presumably because in any case said CIA Subcommittee has not met once this year, and from what I understand does not plan to meet.

During a markup last week of military appropriations by the Senate Defense Appropriations Subcommittee, no mention was made of the multibillion dollar appropriation requests contained in this bill for most of the some 15 intelligence operating or/and advisory groups in the executive branch of this Government.

As an ex officio member of Appropriations because of being the ranking member of the Armed Services Committee, after the subcommittee meeting I called the staff of Appropriations to ask in general about the intelligence appropriations; but I was told that, except for the five senior members of the Senate Appropriations Committee, they had been instructed not to talk about these multibillion dollar intelligence appropriations, even to the other members of the Appropriations Committee.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

That is such a shocking statement that I thought some attention should be called to it.

Mr. SYMINGTON. I am glad to yield to the able Senator.

Mr. FULBRIGHT. The statement the Senator just made, that he, as a Sena-

tor, was told by a staff member—who obviously does know about it—that he could not tell the Senator even the amount or anything else about this, seems to me a shocking and unprecedented situation. I have never heard of this before, except from the executive branch. I have never heard of a member of a Senate staff telling a Senator that he could not tell him what he knew about the relevant business of any committee.

Mr. SYMINGTON. I thank the Senator for his contribution.

Mr. FULBRIGHT. Does the Senator know of any precedent for this?

Mr. SYMINGTON. I do not.

Mr. FULBRIGHT. Did the Senator ever have this experience before?

Mr. SYMINGTON. No; I did not.

Mr. FULBRIGHT. That is what I mean. This is the only time I have ever heard of it.

Mr. SYMINGTON. This means that these billions of dollars of the taxpayers' money are being authorized and appropriated by the Senate with the knowledge and approval of just five of its Members.

As a result of their 3-year investigation—1969-71—of our worldwide treaties and commitment, both staff teams of the Senate Subcommittee on U.S. Security Agreements and Commitments Abroad of the Foreign Relations Committee found heavy duplication—therefore, waste—of the taxpayers' money, in the intelligence field; and, perhaps even more important, they found many conditions which were not known by those on the Senate committees designated to review our military and political policies and position with other countries.

The cover story in a recent issue of Newsweek magazine confirms this confusion and waste, and details general dissatisfaction with much of it. The article states that President Nixon's "major complaints are faulty intelligence, runaway budgets, and a disparity between a glut of facts and a poverty of analysis."

Mr. President, several times today on the floor, people have justified their position on the grounds the President felt this way, or felt that way. Now let me repeat how the President feels about this matter, according to this article:

President Nixon's "major complaints are faulty intelligence, runaway budgets and a disparity between a glut of facts and a poverty of analysis."

This article also asserts:

Bureaucracy has transformed what began as an amateurish happy few into a sprawling intelligence conglomerate encompassing more than a dozen government agencies, 200,000 employees and a budget of some \$6 billion a year.

As one Member of the Senate, despite my committee assignments, I do not know whether those figures are accurate or inaccurate, too large or too small.

Earlier this month, the news media began calling me one evening about a major reorganization in the intelligence field that had just been announced by this Government. I told them the truth—that I knew nothing about it.

The press carried a story about this reorganization the next morning. I thereupon called the CIA to find out about it

and later that day—Saturday—a member of that organization delivered the White House press release to my home, stating that the press release was all the Agency knew about it at the time.

It is clear to anyone familiar with the executive branch that this reorganization: First, could be turning over the intelligence operation to the military—exactly what the National Defense Act of 1947 took careful steps to prevent—and second, places policy control of intelligence in a new committee in the White House, headed by the Assistant to the President for National Security Affairs, Mr. Kissinger, on this committee sit both the Attorney General and the Chairman of the Joint Chiefs of Staff, as well as the Deputy Secretaries of State and Defense.

This gives Executive privilege to the final policymakers, and therefore, except for the power of the purse, enables said policymakers to, in effect, take the entire question of intelligence out of the hands of Congress.

The fact that I do not think such a development is right or proper, Mr. President, is the basic thrust of the amendment that I am offering this evening.

I thereupon made a short talk on the floor of the Senate delineating this extraordinary development, and protesting that such a major change incident to our overall security should not be made without the knowledge let alone the approval, of anybody in the Senate; and I ask unanimous consent that this talk be inserted at the end of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMINGTON. The Chairman of the newly formed White House Intelligence Committee, Dr. Kissinger, thereupon called me and said I was right, that the change should have been discussed with the proper committees of Congress, that the reorganization details had been handled by Mr. George Shultz, and that he, Kissinger, would arrange for Mr. Shultz to come down and talk to me about it.

I thanked him for his call, but said I felt any such a briefing should be given to the committees, not to an individual Member. That is the last I have heard of it.

In a recent article in the U.S. News & World Report, written by the former Executive Assistant to the Deputy Director of the CIA, a very serious charge was made—namely, that the present setup gives "the military considerable power to shape intelligence estimates." The article went on:

Whenever you're working on a problem that the military is deeply interested in—because it's affecting one of their programs, or their war in Vietnam, or something—and you're not saying what they want you to say, the browbeating starts: the delaying tactics, the pressure to get the report to read more like they want it to read, in other words, influencing intelligence for the benefit of their own operation or activity.

A former member of the CIA establishment, in a reply to these statements published in the same issue of that magazine, stated:

November 23, 1971

In both the Senate and the House there are subcommittees of both Appropriations and Armed Services. In the Senate, members of the Foreign Relations Committee are invited to join briefings of the other subcommittees.

And then states:

"I submit that there is no federal agency of our government whose activities receive closer scrutiny and "control" than the CIA.

Based on the facts presented above, the reverse of that statement is true in my opinion, and it is shameful for the American people to be so misled. There is no Federal agency of our Government whose activities receive less scrutiny and control than the CIA; and the same is true of other intelligence agencies of the government who reportedly receive billions of dollars more each year than does the CIA.

I have the greatest respect for the five members of the Senate Appropriations Committee who alone of all Senators know the details of this multibillion-dollar authorization and appropriation. But I do not believe that they, and they alone, should render final decision on both said authorizations and appropriations without the knowledge, let alone the approval, of any other Senators, including those on the Armed Services Committee who are not on this five-member Subcommittee of Appropriations, and all members of the Senate Foreign Relations Committee.

The latter committees have fully as much interest in our military and political activities in foreign lands as do members of this Appropriations Subcommittee; in fact, the heads of the CIA in foreign countries operate under the supervision of the Ambassador; and those Ambassadors report to the Secretary of State.

As a matter of fact, and as anybody knows who has traveled around in these foreign countries where we are at war or in what might be called partial peace, the heads of the CIA in these countries operate under the direct supervision of the ambassador, and those ambassadors report to the Secretary of State.

Today we all know this Nation faces serious fiscal and monetary problems. Our economy is in grave trouble and one of the chief reasons for this condition has to do with our vast military expenditures at home and abroad.

With that premise, apprehension about this situation can only be increased by the fact the reorganization announced earlier this month by the White House in turn increases the influence of the military in the formulation of intelligence estimates. I was a Secretary in the Defense Department when the National Security Act of 1947 was passed—in fact I monitored the passage of that bill for Secretary Patterson—and therefore know this is exactly what President Truman and his advisers, for the obvious reasons, attempted to avoid.

The wording of the law itself makes the point. I ask unanimous consent that this wording be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. SPONG). Without objection, it is so ordered.

(See exhibit 2.)

Mr. SYMINGTON. Mr. President, if this analysis is correct, many billions of

additional and often unnecessary dollars will be added to the defense budget, because that budget is based on intelligence estimates of the plans, programs, and production of the possible enemy; and invariably the estimates of the military have been higher than those of the civilians.

Knowledge—intelligence—about the plans and programs of the possible enemy is generally considered to be at least as important as any other factor in the formulation of the defense budget.

As but one example of that importance, there follows a colloquy between the distinguished present chairman of the Senate Appropriations Committee and former Secretary of Defense McNamara, during the defense appropriations hearings of 1967:

Senator ELLENDER. What part does the State Department take in making decisions that have resulted in the programs you are presenting to us now?

Secretary McNAMARA. That State Department is informed of, but does not affect my recommendations as to what ought to be done.

Senator ELLENDER. Are your recommendations founded solely on what you get from the JCS?

Secretary McNAMARA. No, sir; they are not. The JCS are, of course, the principal military advisers to the President by law, and of much more importance they are actually his military advisers because of their experience. But the national intelligence estimates are taken into account in my recommendations as well as other information.

Again, in that this year the CIA Subcommittee of the Armed Services Committee has not met once, it would appear there is now even more secrecy in the handling of intelligence funds; and this at a time when there is a steadily rising chorus among the people of this country for less secrecy.

Apparently some people believe that the very word "intelligence," in itself, requires that all these billions should only be authorized and appropriated in such great secrecy.

To me, this does not wash. We authorize and appropriate, through the proper congressional committees, tens of billions of dollars annually for the other component parts of the military.

There is nothing secret, for example, about the constantly referred to cost of a nuclear aircraft carrier, or the cost of the C-5A, or the cost of the main battle tank; but knowledge of these costs does not mean that either the Congress or the American public have been informed, in case of a war, how, along with our military personnel, it is planned to utilize these weapons. That would be getting into war plans, something which should be studiously avoided.

By the same token, knowledge of the overall cost of intelligence does not in any way entail the release of knowledge about how the various intelligence groups function, or plan to function.

Why should there be greater danger to national security in making public overall intelligence costs than in making public other overall security costs?

I am certain in my own mind that we would not have engaged in at least one war—killing people and having our own

killed—if pressures, combined with unwarranted secrecy, had not been characteristic of our intelligence knowledge and activities in that country; because our political and military actions were approved by the Congress on the basis of misinformation and a lack of information.

In summary, therefore, I do not believe the Senate can meet its responsibilities, or exercise its "constitutional prerogative" if this bill is approved under these circumstances; therefore, I offer this amendment which has been read at the desk and which provides that the Senate impose a ceiling on the amount of funds in this bill that can be expended for intelligence activities during the fiscal year in question.

Responsible news media continue to assert to the American people that the cost of intelligence to the American taxpayer now runs to between \$5 billion and \$6 billion. I do not believe that figure is necessarily correct, but if it is correct, it but confirms the many informed reports we have had about duplication and waste.

I now ask for the yeas and nays.

The yeas and nays were ordered.

EXHIBIT 1

CONGRESSIONAL OVERSIGHT OF INTELLIGENCE ACTIVITIES

(Statement by Senator Stuart Symington)

Last Friday the White House announced that the President had ordered a reorganization of the intelligence community. I ask unanimous consent that their press release to this end be placed in the Record at the conclusion of these remarks.

As reported by the press, the Administration's plan creates an "enhanced leadership role" for the Director of the Central Intelligence Agency, turns more of the operating responsibility for that Agency over to the Deputy Director, and creates or reconstitutes a variety of boards, committees and groups who are charged with important responsibilities within the intelligence community.

The reported aim of the reorganization is to improve the "efficiency and effectiveness" of United States intelligence activities; and press comments on this move include references to alleged concern over the size and cost of intelligence operations; also to general unhappiness about various specific intelligence estimates. Such reports have been officially denied, but it is acknowledged that this reorganization is the result of "an exhaustive study" of the United States intelligence activities.

It could be that the reorganization announced last week by the White House is a constructive move. In recent years there has been a growing belief that there was heavy duplication and therefore waste within the overall intelligence community. Unfortunately, however, it has been impossible for the public, or even concerned members of Congress, to obtain enough information on this subject for informed judgment.

By the same token, it is equally impossible to determine, at least at this time, whether the organization changes now decreed will accomplish their stated purposes, or to determine what will be their practical effect.

One thing is clear, based on the manner in which the reorganization was handled and announced; namely, the Executive Branch does not consider either the organization, or the operation, of the intelligence community to be matters of concern to the Congress. To my knowledge there was no advance consultation whatever with the

Congress regarding this reorganization, or even any advance notice of what had been decided.

In 1947 the Central Intelligence Agency was established by act of Congress. Its powers and duties are specified by law. Its Director and Deputy Director are subject to confirmation by the Senate.

Last year the Congress appropriated an amount estimated by the press to be between five and six billion dollars for the activities of this agency and the other component parts of the intelligence community.

As one member of the Senate, I will not accept the proposition that the Congress' role in organizing the intelligence community ended twenty-four years ago with the passage of the National Security Act, or that our only current and continuing responsibility is to appropriate whatever number of billions of dollars the Executive Branch requests so as to handle this work.

Last Saturday, when I learned from the press about this intelligence reorganization, as ranking member of the Senate Armed Services Committee I wrote the Chairman of that Committee, requesting hearings either by the full Committee or by the CIA Subcommittee, of which I have been a member for some fifteen years. In that letter I presented the fact that this Subcommittee has not met once this year.

This latest reorganization on the face of it raises questions about past, present and future performance of our multi-billion dollar annually intelligence community; questions such as

If it has been inefficient, what and where were its deficiencies?

In what sense does it need to be more "responsive?"

What is implied about the past by the reference in the press release to the objective of insuring "strengthened leadership" in the future?

The White House announcement offers neither answers to these questions, nor explanations of the remedies which have now been unilaterally decided.

In order to understand properly said action by the Executive Branch, Congress should know the answers to such questions as the following:

How is the leadership role of the Director of the Central Intelligence Agency "enhanced" by the creation of a new and obviously more powerful supervisory committee chaired by the Advisor to the President for National Security Affairs, on which new Board not only sits the Attorney General but also the Chairman of the Joint Chiefs of Staff?

Has this new White House committee been given authority or/and responsibility which heretofore was the responsibility of the CIA; and which the Congress, under the National Security Act, vested in the Agency?

How can the integrity of the intelligence product be assured when responsibility for the most critical aspects of intelligence analysis is taken out of the hands of career professionals and vested in a combination of military professionals and the White House staff?

EXHIBIT 2

CENTRAL INTELLIGENCE AGENCY

Sec. 102. (a) There is established under the National Security Council a Central Intelligence Agency with a Director of Central Intelligence who shall be the head thereof, and with a Deputy Director of Central Intelligence who shall act for, and exercise the powers of, the Director during his absence or disability. The Director and the Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate, from among the commissioned officers of the armed services, whether in an active or retired status, or from among individuals in civilian life: *Provided, however,*

That at no time shall the two positions of the Director and Deputy Director be occupied simultaneously by commissioned officers of the armed services, whether in an active or retired status.

Mr. GOLDWATER. Mr. President, if the Senator from Missouri will yield I do not have a copy of the Senator's amendment but I made a note as it was read.

It states:

The Central Intelligence Agency, the National Security Agency, and the Defense Intelligence Agency, and for intelligence work performed by or on behalf of the Army, Navy, and the Air Force.

Now would the Senator break that down into, say, the intelligence that is acquired by a photorecon flight, one, or the intelligence—

Mr. SYMINGTON. May I ask the Senator if he is speaking on my time or on the time of the opposition?

Mr. GOLDWATER. I am not sure that I oppose it. I want merely to find out how deep the Senator wants to go.

Mr. ELLENDER. I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. GOLDWATER. I thank the Senator from Louisiana for yielding me this time.

What disturbs me, as the Senator knows as well as anyone else in this Chamber, the Army and Navy, the Air Force and the Marine Corps are always, constantly, engaged in obtaining battle-field intelligence and information, some of which applies to the kind of intelligence we are discussing here and some of which applies to intelligence needed to conduct a battle. But the thing that disturbs me is, is there any way to allocate or to determine the cost of that kind of intelligence?

Mr. SYMINGTON. I say to the Senator I do not know. No doubt millions of Americans have seen the chart in Newsweek magazine, however, a chart called "The United States Intelligence Community." It does not give figures for that agency which, to the best of my knowledge, spent by far the most money, but it does say in the chart that the Army has 38,500 intelligence staffers and a budget of \$775 million; that the Navy has 10,000. It does not give the Navy money; that the Air Force has 60,000 staffers with a budget of \$2.8 billion. It says the Central Intelligence's budget is \$750 million. It says the Defense Intelligence Agency has a budget of \$100 million and spends an added \$700 million through Armed Forces. Then it goes into additional agencies—six of them, no figures.

I am a member of Armed Services, an ad hoc member of Appropriations, a member of the CIA Subcommittee, and a member of the Foreign Relations Committee, and I would like to know what is going on in this vital field.

When we read that \$6 billion is being spent on intelligence, that may be billions of dollars too high, but I would like to know something about it.

Mr. GOLDWATER. The thing I am trying to satisfy in my own mind is how we would go about the bookkeeping of

the very elementary type of intelligence-gathering that involves a patrol sent out for intelligence purposes?

Mr. SYMINGTON. The figure I state in the amendment is too high, according to some—\$4 billion.

Mr. GOLDWATER. I am not arguing with the Senator about that. I am inclined to agree with him, but I think the amendment would be better—and better understood—if we did not get down to the nitty-gritty of 1 and 1 is 2, at the sergeant or the private level, who is sent out to undertake a photo recon-flight.

I am speaking here to their problems and their costs. The question I had is: How far down the hole do we go before we stop?

Mr. SYMINGTON. Let me answer my able friend in this way. We had staff men go in certain areas of the world and they found great duplication. They found the intelligence units of the CIA, the Department of Defense, the Army, the Navy, and the Air Force all directed to particular intelligence, tremendous duplication, therefore waste.

If it is clarification that the able Senator wants, that is what I want—namely, what we are doing month after month with these gigantic sums of money being expended in the intelligence field.

If we are going to have a Congress that means anything, prerogatives, the proper Senate committees ought to be informed.

Mr. GOLDWATER. I am not arguing with the Senator.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. Mr. President, I yield the Senator from Arizona 1 additional minute.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 1 additional minute.

Mr. GOLDWATER. Mr. President, lack of redundancy is the secret of what to my opinion is the best intelligence of the world, the British Intelligence Agency. We have three separate groups that keep piling in an input of redundancy, and each of them becomes a problem of determining which are the most valid.

I thank the Senator from Missouri.

Mr. SYMINGTON. Mr. President, again the House Appropriations Committee, this month, said:

The committee feels that the intelligence operation of the Defense Department is growing beyond the actual needs of the department and are now costing an inordinate share of the fiscal resources of the department. Redundancy is the watchword of any intelligence operation. The same information sought to be obtained by various members and various organizations is naturally less effective than it should be.

Naturally that stimulated my interest in trying to get at the facts.

Mr. STENNIS. Mr. President, I want to speak after the Senator from Louisiana. However, will the Senator yield me 2 minutes for the purpose of asking a question on that point?

Mr. ELLENDER. I yield 2 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I refer to the same sentence that the Senator referred to with respect to the intelligence of the Army, the Navy, and the

Air Force. The Senator does not mean to include what we call tactical intelligence that is done at the level of a battalion?

Mr. SYMINGTON. No.

Mr. STENNIS. He does not mean where a colonel would order a captain to go out and patrol for the purpose of seeking out and getting prisoners to try to get intelligence about the enemy.

Mr. SYMINGTON. I would not want to include the battlefield, but I do want to include all military operations of the Central Intelligence Agency. The Secretary of Defense stated, in open session:

We have no Pentagon military operations in Laos.

I believe that is true because he said it. This means the Central Intelligence Agency is running the war in Laos, and if so, the Foreign Relations Committee and the Armed Services Committee ought to know at least something about it.

Mr. STENNIS. Mr. President, for one illustration, the Senator's amendment refers to what are in the budget items here for the Central Intelligence Agency, the National Security Agency, and the Defense Intelligence Agency. That is the primary references and inclusions that are in the Senator's amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. Mr. President, I yield 1 additional minute to the Senator from Mississippi.

Mr. SYMINGTON. No intelligence unit should evade the purposes of my amendment by delegating some of the work they would normally do to the Army, the Navy, or the Air Force.

Mr. STENNIS. I agree.

Mr. SYMINGTON. I feel that without reservation because in this article they state:

Bureaucracy has transformed what began as an amateurish happy few into a sprawling intelligence conglomerate encompassing more than a dozen government agencies, 200,000 employees and a budget of some \$6 billion a year.

Mr. STENNIS. Mr. President, I thank the Senator. We will come back to that point later. I know that the Senator from Louisiana wants to speak now.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. SYMINGTON. I will be glad to yield on my own time to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I would like to say that the distinguished Senator from Missouri has opened the door on one of the great issues for the country and for the Congress.

The Senator is quite aware that he has touched on a very sensitive nerve because billions of dollars of intelligence funds are contained in this appropriation. No one can tell where in this bill those funds are. When they read a line item and find that there is so much for aircraft, or for a carrier, those may or may not be the real amounts.

This practice gives rise to questions about every item in the appropriation. I want to ask the Senator why he thinks it is necessary to keep secret the amount of money to be allocated from this appropriation to the National Security

Agency. Everyone knows what the NSA does. They read about it in the newspapers. Why is it necessary? What purpose is served by keeping it secret?

Mr. SYMINGTON. Mr. President, I do not know. Much of it slips out.

For example, on March 31, 1971, in the Senate Armed Services Committee hearing, I asked the question:

On page 2 of the congressional data sheet the last item on the table of aircraft procurement program is "classified projects" \$579,-800,000, requested for 72. This is almost one-fifth of the total aircraft procurement request. Would you please tell us briefly what are the major projects in this category.

General Crow replied:

Because of classification, it can only be provided in oral briefing.

That exchange was declassified and then made a matter of public record.

In the published hearings last year of the House Appropriations Committee, then Assistant Secretary of Defense Froehke, now Secretary of the Army, was plenty critical of the intelligence setup.

He said the cost of all military intelligence activities, excluding tactical intelligence, was \$2.8 billion; and that figure was published.

I want to be careful that through legislative history we do not counter what we are trying to do, namely, get the facts.

Mr. FULBRIGHT. Every time an appropriation comes along, we are told that the Russians are out-distancing us everywhere. We are told this by the same Senators. It is like the swallows coming back to Capistrano. And I wonder how that can be because we spend a lot more money than the Russians spend. We have asked Mr. Helms about this. One explanation may be that we devote so much of the money in this bill to nonmilitary items such as intelligence. That may be an explanation. It has always been a puzzle to me why we get so little in hardware for our money. We are told that we are a second-class power, that we do not have as many airplanes or ships as the Russians. We hear this all the time.

Either we are, or we are not, as strong as we say. Certainly we spend plenty of money. Are hearings held in the Committee on Armed Services on this issue? Has the Senator ever attended any hearings on the question of the activities of the National Security Agency?

Mr. SYMINGTON. We were briefed by the Director of the Central Intelligence Agency twice, the full committee, last January; and then again this morning.

Mr. FULBRIGHT. Did he discuss how much was spent by the National Security Agency?

Mr. SYMINGTON. I asked but he did not know.

Mr. FULBRIGHT. He does not know?

Mr. SYMINGTON. He does not know about the others, only his own in any detail.

Mr. FULBRIGHT. Is he not the head of what is referred to as the intelligence community?

Mr. SYMINGTON. He is the chairman of the National Security Council Intelligence Committee.

Mr. FULBRIGHT. Then his role is that of a coordinator. If anyone knows about

this new reorganization, should it not be Mr. Helms?

Mr. SYMINGTON. That is what we are trying to find out. It is all plenty fuzzy.

Mr. FULBRIGHT. Was there no testimony on the question of intelligence in the Committee on Armed Services that the Senator knows of?

Mr. SYMINGTON. No.

Mr. FULBRIGHT. And the Committee on Armed Services does not authorize anything specifically for intelligence?

Mr. SYMINGTON. There is no authorization in any way to pass upon intelligence activities in the Committee on Armed Services. The able chairman of the committee is in the Chamber. He could so verify.

Mr. FULBRIGHT. How long has the Senator been a member of that committee?

Mr. SYMINGTON. It will be standing 20 years next January.

Mr. FULBRIGHT. Would not the Senator have heard of such hearings if they took place?

Mr. SYMINGTON. I would think so.

Mr. FULBRIGHT. The Senator hears of all hearings that take place in the Committee on Foreign Relations. Is that correct?

Mr. SYMINGTON. Yes.

Mr. FULBRIGHT. What is the motive or reason for keeping secret the amount of money being spent, for example, by the National Security Agency, which I suspect is the largest operation? Why is the amount of money secret? I am not talking about who their spy is, if they have one. Why do they insist on secrecy about the amounts?

Mr. SYMINGTON. I do not know.

Mr. FULBRIGHT. Do they think the Russians do not know we have the National Security Agency?

Mr. SYMINGTON. The worst spy we ever discovered was probably in the National Security Agency, a sergeant who was leading a gay and double life, a spy who, when caught, killed himself.

The point of my amendment is to emphasize that we in the Committee on Armed Services and the Committee on Foreign Relations do not have anything like the necessary facts to properly allocate the increasingly limited resources of this country between international and domestic programs.

Mr. FULBRIGHT. In this overall question the Senator spoke about secrets, and there are classes of secrets, of course. The Senator talks about battlefield secrets. Nobody is asking how many men are being sent out on a foray into enemy territory. We are interested in the amount of money that goes into this bill for intelligence because it is a very large amount. I have not heard any suggestion, any legitimate reason, why that amount should be secret, other than one last suggestion. Is this just a way to cover up expenditures so there can be no accounting to the public or Congress?

Mr. SYMINGTON. There are no five gentlemen anywhere.

Mr. FULBRIGHT. That is not the question.

Mr. SYMINGTON. Let finish my sentence.

There are no five gentlemen, in the Senate or anywhere else I respect more

than these four and one lady. But this protest of mine is against the system, not the people involved.

Mr. FULBRIGHT. I hope that the Senator does not infer that my question is based on any suspicion about any Member.

Mr. SYMINGTON. No.

Mr. FULBRIGHT. If the Senator wants to raise that issue let me say that I have the greatest respect for the Senator from Louisiana and I am willing to turn the whole Senate over to him and go home because he has the experience. I am as fond of him as I am of any man in public life. That is not the question.

Mr. SYMINGTON. I agree.

Mr. FULBRIGHT. The Senator from Louisiana is a Member of this body and has been for a long time, and I am sure he does not take the position he should pass on all issues that come here because he has had long experience. That is not the system. I do not understand why the overall amount for these activities has to be secret.

Mr. SYMINGTON. Neither do I.

Mr. FULBRIGHT. It is a very bad practice because it casts doubt on this whole appropriation. When you look at an item in this bill you wonder if it is really the amount of money for the A-14, for example, or if it is for the NSA. One cannot tell what it is.

Mr. SYMINGTON. The Senator is correct.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to the able Senator from California.

Mr. CRANSTON. Are there references in the appropriation bill to funds for intelligence uses?

Mr. SYMINGTON. No.

Mr. CRANSTON. How are they provided for; by padding other categories?

Mr. SYMINGTON. I am not sure I have enough knowledge to answer. Presumably yes.

Mr. CRANSTON. What is the Senator's answer on what is provided to the intelligence community?

Mr. SYMINGTON. I have heard so many varying facts that is another primary reason I introduced the amendment.

Mr. CRANSTON. The Senator has no estimate?

Mr. SYMINGTON. I have no estimate that in any way could be considered remotely accurate.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield.

Mr. COOPER. Do I understand that the purpose of the amendment is that as these appropriations or the money spent in these intelligence functions are not known and are not directly authorized or appropriated by Congress and the Senate, that the Senator wants to make it a matter of precedent and right that the Senate and Congress should actually authorize and appropriate these funds?

Mr. SYMINGTON. That is correct. As a matter of right, I believe there are certain committees, the Committee on Armed Services and the Committee on Foreign Relations, that should know in

executive session about the authorization and appropriation of moneys in this intelligence category.

Mr. COOPER. I would make one comment.

It is always a matter that is troublesome because it could involve security, but it is a fact we learned during the last several years that without the knowledge of Congress our country has become involved in pressures that led to a long and costly war.

Mr. SYMINGTON. The Senator is so right. That is one of the primary reasons for my amendment.

Mr. ELLENDER. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. ELLENDER. Mr. President, I regret that the Senator from Missouri saw fit to introduce this amendment. Of course, I am opposing it.

I have been in the Senate for 35 years. I have been on the Committee on Appropriations for about 22 or 23 years. Ever since I have been on that committee, all the appropriations affecting our sensitive intelligence program have been handled by only a few Members of the Senate and a few Members of the House. Twenty years ago we started out with two Members. That number has been increased to five, who are chosen from the Committee on Appropriations. That has been the method that has been followed all these years.

I would hesitate to have these programs submitted to the committee of the whole because of the highly sensitive nature of the material that come before us. In order to justify the amounts asked, we are told the reasons why it is needed.

My fear is that if this material were made widely available, we would do harm to our own intelligence operations. Of course these intelligence operations are a very important part of our overall defense.

I do not understand the extent of the amendment of my good friend from Missouri. The amendment reads:

The Central Intelligence Agency, the National Security Agency, and the Defense Intelligence Agency, and for intelligence work performed by or on behalf of the Army, Navy, and the Air Force.

Well, of course, much of the intelligence gathered, whether it be tactical or not, is gathered either by the CIA or the Defense Department.

This method of appropriating funds for these intelligence activities has been in effect for at least 20 years that I know of, since I have been on the committee. We five who sit on this committee hear the testimony of those applying for funds. The funds are justified to us. We ask many questions. None of this information is in writing, nor is it recorded, but it is simply given to us, and we weigh it and then recommend appropriations as is seen fitting.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. I yield myself 5 minutes more.

There is no specific appropriation for the intelligence activities. They are

funded from many different appropriations included in the bill.

Mr. President, as I said, this is a rather ticklish subject. It is a subject that I do not care to discuss in the open. I believe that the Senator from Missouri (Mr. SYMINGTON), and, as a matter of fact, any other Senator on the committee who desires to be briefed by the Defense Department or by the Central Intelligence Agency may be briefed. We request it at times. There is nothing to stop the Senator from Missouri (Mr. SYMINGTON) or the Senator from Mississippi (Mr. STENNIS) from calling Mr. Helms before the committee to give them an idea of what he is doing. But this matter of justifying the amount of money asked in order to carry on intelligence has been for years confined to a few people, because of the sensitivity of the subject. I am very hopeful that that method can be continued.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. In 1 minute.

When I first became one of the five, I attended these hearings. The late Senator Russell was then chairman of the committee. I attended the hearings and took a good deal of interest in them. After hearing both the Defense Intelligence as well as the CIA requests, I thought that there was somewhat more money asked for than needed. So my first effort as a member of the five was to reduce the number of people engaged in intelligence. As I recall, we asked that the number of persons engaged in certain intelligence activities be reduced by 5,000, and that was done.

Mr. President, I wish to say that this year, instead of trying to reduce the number of persons, we actually reduced the amount of money requested.

I wish to point out that I have discussed this matter with Mr. MAHON, who is chairman of the House Appropriations Committee. We discussed together what ought to be done to reduce the amount of money that was requested for intelligence. I gave him a few ideas of what I proposed to do.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. I yield myself 3 more minutes.

I wish to say that he not only listened to me, but adopted some of the ideas I gave him. So the House reduced the intelligence request by \$320 million, and the Senate committee reduced the amount by \$70 million more, making a total reduction for this year in the amount asked of \$390 million.

I think that is a substantial reduction in our intelligence. I want to pledge to the Senate that as a member of the five, I shall continue to look more deeply into this matter, in the hope of being able to cut back a good deal more than the cut made this year.

These cuts were made by our committee and by the House after careful hearings of Defense Intelligence as well as the CIA. I would hesitate to suggest that more Senators and more Members of the House be involved in this sensitive work.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield.

Mr. FULBRIGHT. This intelligence covers a lot more than intelligence gathering. Does it not also cover, for example, the cost of the organization of the war in Laos, supported by the CIA? Would that not be included in this same amount of money? It is financed through the CIA. This is no secret. It has been published.

Mr. ELLENDER. I saw it publicized—

Mr. FULBRIGHT. Perhaps the Senator does not agree to it, but it has been published. But suppose, as a hypothetical case, that it is carried on by the CIA. Would not that operation be carried in this amount?

Mr. ELLENDER. For that activity?

Mr. FULBRIGHT. Yes, for the manpower. It has been stated that the CIA has 36,000 there. It is no secret. Would the Senator say that before the creation of the army in Laos they came before the committee and the committee knew of it and approved it?

Mr. ELLENDER. Probably so.

Mr. FULBRIGHT. Did the Senator approve it?

Mr. ELLENDER. It was not—I did not know anything about it.

Mr. FULBRIGHT. So the whole idea of Congress declaring war is really circumvented by such a procedure, is it not?

Mr. ELLENDER. Well, Mr. President, I wish to say that—

Mr. FULBRIGHT. Is it not?

Mr. ELLENDER. No; I do not think so.

Mr. FULBRIGHT. Well, if you can create an army and support it through the CIA, without anyone knowing about it, I do not know why it is not. That is a hypothetical question I am asking.

Mr. ELLENDER. I understand. But, Mr. President, I wish to say that I do not know. I never asked, to begin with, whether or not there were any funds to carry on the war in this sum the CIA asked for. It never dawned on me to ask about it. I did see it publicized in the newspapers some time ago.

Mr. FULBRIGHT. Well, this has been publicized often. But the CIA has many large operations. They operated a revolution in Guatemala some years ago, and threw out the government. But does not the Senator think Congress ought to know?

Mr. ELLENDER. Well, let Congress change the rules, if it so desires. Let Congress designate more than the five we have. But I would like to see it proceed in an orderly fashion, the same as it has in the past, and if the distinguished Senator from Arkansas—

Mr. FULBRIGHT. Let me ask, why does the Senator seem to think it is so necessary to keep secret the operations in Laos, as opposed to Vietnam? We have great publicity on Vietnam; why does the Senator think it has to be secret, the operation in Laos?

Mr. ELLENDER. It is apparently not secret, since the Senator knows about it. I think the Senator from Missouri (Mr. SYMINGTON) has sent some investigators out there and secured a lot of information that he made public.

Mr. FULBRIGHT. Well, the newspapers published the information before that. We were alerted to the situation when I first read about it in a newspaper

account, and then we sent the people out there to check on it, it was so amazing.

Mr. SYMINGTON. Mr. President, if the able chairman will yield, I have never published any information along this line that was not cleared first.

Mr. FULBRIGHT. One of the reasons why this committee was created was as a result of reading in the newspapers just such stories, because it was incredible that we were supporting an army of 36,000 and paying for it without knowing about it.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. ELLENDER. I yield 10 minutes to the Senator from North Dakota.

Mr. FULBRIGHT. I wonder if the Senator would give us the reason why this should all be secret.

Mr. YOUNG. Mr. President, I have served on this Intelligence Subcommittee on Appropriations for 5 or 6 years, and this is the first time I ever attempted to defend what the CIA or any intelligence agency does. In order to do it, you would have to document your case, and one cannot document intelligence and spying. Spying is a dirty business, but it is a business every nation in the world engages in. Russia does a bigger job of it than we do. You cannot disclose secret information. But it is very valuable to us. It was very valuable to know, when we had the showdown with Cuba, just what the Russians would and would not do.

This five-member committee was not publicized or listed until about 3 or 4 years ago. The House of Representatives does not list their names yet.

You always have to have some secrecy in Government. For example, when the atomic bomb was developed, if there had been more than 10 people in the House and Senate who knew about that, it would have been public knowledge. But this was one of the best kept secrets in history.

You have all kinds of intelligence. For example, the satellites are intelligence-gathering vehicles. Would a weather satellite be an intelligence-gathering vehicle? It could be a part of military intelligence. That knowledge is very important to them. Does the Symington amendment include this?

As to all these press stories we read and hear, this is an interesting subject to write about, of course. People like to read them. I do, too. And if you want to read something very interesting and authoritative where intelligence is concerned, read the Penkovsky papers. Penkovsky was a Russian spy who became very disillusioned with the Russian Government, and told us all he knew about Russian intelligence, and he was caught. He knew he was going to be caught eventually, and he was caught and killed.

But this is a very interesting story, on why the intelligence we had in Cuba was so important to us, and on what the Russians were thinking and just how far they would go. For the life of me I cannot understand what the amount of money we spend for intelligence would have to do with the Committees on Foreign Relations or Armed Services.

What the Senator is interested in is

intelligence. So far as I am concerned, there is no objection to that committee from whatever intelligence they are able to get.

Mr. FULBRIGHT. No; I am not interested in the spies and their mistresses, and the Goldfinger type of thing. But here is a vast amount of money. I gave one illustration. Does not the Senator think it is our responsibility to know about the kind of activity in Laos, which I am quite certain is going on? In fact, I know it. But we were first alerted through the newspapers of the army there.

The Senator says it was a tremendous thing to keep the atomic bomb secret. As a matter of fact, suppose it had been known we were making one, what would have been the harm in that? It was not the secrecy that was significant, it was the fact that we succeeded. I do not know why the secrecy was all that important. If they had known we would have it in advance, it is quite possible that we would not have had to drop it. I do not know; that is a speculative matter. But I am not impressed with the argument that it was so important to keep it secret, other than perhaps as far as the technical thing was concerned.

When Roosevelt asked for 50,000 airplanes, everyone knew we were going to build 50,000 airplanes. We did build them, and used them.

But this secrecy and classification has become a god in this country, and those people who have secrets travel in a kind of fraternity like a college secret society, and they will not speak to anyone else. Yet the Senator wants us to appropriate the money and vote for the bill. I want to say that I find it very difficult to vote for a measure as to which I do not know whether the amount involved is \$5 or \$10 billion. When I think about what a poor, second-class Nation we are said to be militarily, although we spend twice as much as the Russians, it occurs to me that it may be \$20 billion, for all I know.

I cannot understand why it is so important to be secret. As the Senator said, we know that the Russians do it, and the Russians know that we do. Everyone knows that we monitor their shots, just like they monitor ours. We all do the same thing. There is no secret about that, except that we do not know what we are spending on it, and how much it is, and we also do not know about the operations that are not intelligence gathering.

It is very unusual that we have an agency called an intelligence agency out operating a war. That is like the Pentagon. It is not gathering intelligence in Laos; I submit it is organizing and paying for a war. It is running airlines and paying for them. That is not intelligence gathering at all.

Mr. YOUNG. Is the Senator talking on his time or mine?

Mr. FULBRIGHT. I just ask the Senator, why should that be a secret? I really do not know. If we hire citizens of other nations to do in Cambodia what our own people are forbidden to do by law, does the Senator think that is good?

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. ELLENDER. I yield 1 more minute.

Mr. YOUNG. I read in the magazines and newspapers where the CIA was supposed to be hiring soldiers in Laos. If they hired some there, I am not opposed to it. The British have hired soldiers for 500 years. If someone was hired to interrupt the movement of goods and equipment down the Ho Chi Minh Trail, I am not opposed to that.

Mr. FULBRIGHT. Maybe it is a good thing, but why the secrecy? I am not now saying that it is good or bad. I am asking, why should it be so secret?

Mr. YOUNG. You can find out that much without knowing the amount of money they are appropriated. The amount of money is certainly not so important as the amount of intelligence. The Senator can get that as well as I can.

Mr. FULBRIGHT. If the money in here for intelligence is \$20 billion, I think that is very important for the Senate to know.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. I yield 10 minutes to the Senator from Mississippi.

Mr. FULBRIGHT. Could the Senator say what percentage the committee cut the budget? Would he say they cut the budget 20 percent, or 10 percent?

Mr. ELLENDER. We cut the budget \$390 million.

Mr. FULBRIGHT. Is that 20 percent, or 10 percent?

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, for what length of time am I recognized?

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. May I ask what time remains to the two sides?

The PRESIDING OFFICER. The remaining time is 13 minutes on each side.

Mr. STENNIS. Mr. President, I thank the Senator from Louisiana for yielding to me.

Mr. President, to try to settle a matter such as this, involving our activities all over the world—open and secret—with 45 minutes of debate to a side, to me, is tragic. I want to underscore that to every Member of this body, and with great respect for the author of this amendment. He and I really have rather good feelings for each other, I think.

Mr. SYMINGTON. We certainly do.

Mr. STENNIS. I think it is a great tragedy, and I would like the elected leaders of this body to hear what I am saying about that. It is absolutely impossible even to begin to state the facts, much less argue or explain the procedures about this matter. It is tremendous. It is perhaps the most important work we do in all the national security element.

There has been talk about it not being itemized in the bill. Did you ever see the U-2 itemized in any appropriation bill? Of course not. But it was through the U-2 that we got the most valuable information that perhaps we ever have gotten. It saved us hundreds of millions of dollars—billions, I think—and caused us to arm in time.

I will not go into any further details on that. That is just one illustration.

As I say, you cannot begin to go into this matter. But the question has been raised about the secrecy, why the secrecy, and I refer now to section 6 of the amendments to the National Security Act. The amendments were passed in 1949, as I recall. My time will be up almost by the time I read this special section. This is the law that Congress passed at that time for the security system we were trying to set up.

Section 6. In the interests of the security of the foreign intelligence activities of the United States, and in order to further implement the proviso of section 403(d) . . . of this title, that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the agency shall be exempted from the provisions of section 654 of title V . . .

As I recall hurriedly, this relates to the disclosures. Some of these titles have been repealed, but this is the blanket that was put on it then.

. . . and the provisions of any other law which require the publication or disclosure of the organizations, functions, names, special titles, salaries, or numbers of personnel employed by the agency.

That is the ban of secrecy that was put on it when we enacted this law. That is indicative of what Congress thought about it—suspended all the other requirements, and all laws, and so forth. Further:

Provided that in referring to this section, the Director of the Bureau of the Budget shall make no reports to Congress in connection with the agency under sections 947 . . . of title V.

I understand that that is a reference to personnel, and I do not know what else. Those sections have been repealed a little, changed a little, reenacted, and so forth.

But there is the secrecy. It was in the atmosphere of this guideline that men such as Styles Bridges, former chairman of the Appropriations Committee—some Members of the Senate knew him; the late Senator Russell—many of the Senators knew him; Leverett Saltonstall; and a good number of others worked out a plan, trying to carry out their functions. They worked out a plan whereby this matter would be taken care of.

My goodness, talking about trying to keep something secret from some other Senator or somebody else. Trying to protect this country. It is in that spirit that this matter has been carried on—not a pleasant duty, by any means. I will get out anytime someone holding a responsible position in the Senate, such as our leader, says who has been selected and who will take my place.

This is the most grave thing I have seen come before the Senate, to handle it this way. I have no criticism of my friend here. But that is the gravity of it. It can be proved by other sections of the law.

The whole Central Intelligence Agency is brought into focus here. I want to say that I have been watching them for quite a while. This Agency is conducted in a splendid way. Except for salary increases, it has been reducing expenditures for the

last several years. It has been reducing its budget. It carries on its job in a professional way, in the finest way.

There is a new intelligence plan of some kind. I call it a plan, and we are going into it now. That came out of the White House. We can argue about that, make fun of it. But intelligence is not a laughing matter. We are going into that fully now. I was not advised about it beforehand. I do not expect anybody to give me a great deal of attention, but I wish the chairman of the Armed Services Committee and the ranking member had been advised about it, and Appropriations. But they were not. But we are going into it now.

My impression is that we are talking about someone being kicked upstairs and denied authority and some other fellow put in. I do not know whether that is true or not, but I do not believe it is. Helms does not think so. But we are getting to the bottom of it. As soon as I heard this, I called him up and told him:

You are the only man who has been approved by the committee and the Senate to be Director of the CIA. You are the only man we approved, and you are the only man, so far as I am concerned, who is going to be its director, until we do something about it.

That was with all deference to the deputy. I want a civilian in control of that agency, for my part. We had to approve this man. He assured me that his dominance over it, his effectiveness, his powers over, it will not be diminished one bit. He told us that today. We had a hearing on this matter.

That is just touching the high points. But we are going into it, and we are going to analyze it and study it and have an investigation—if one wants to use that word—if necessary. We do not take these things lightly. The stakes are too high.

Now, about these other agencies. Senators know what they get into. I am not going to delineate any more. I mentioned the U-2. I do not like some things about intelligence. As has been said, spying is spying. But if we are going to have an intelligence agency, we have to have an intelligence agency, and it cannot be run as if you were running a tax collector's office or the HEW or some other such department. You have to make up your mind that you are going to have an intelligence agency and protect it as such, and shut your eyes some and take what is coming.

This is a great deal of money here. I want to refer now to the last few words in the Senator's amendment. I do not know how far down the line that language goes, but I think it goes much farther down the line of intelligence than anything we handled in the method we talked about.

That language is broad enough to go to tactical intelligence. Every military unit in the field has an intelligence officer. In Vietnam they have to go out—we have heard the Senator tell about it—we send a major or a captain out with a patrol to try to take prisoners, and the prisoners are quizzed, to try to find out about the enemy. I think this language is broad enough to cover that sort of

activity: tactical patrols. But it is not a budgeted item in the bill or in any of the matters I have been talking about. We would not know where to start. I do not know how much these tactical intelligence activities cost. It is not a budgeted item. There is no way to calculate it. That is part of running the Army. That is part of running the Navy. Think, for example, about the big sums of money that must have been spent in Korea on such tactical intelligence.

Mr. FULBRIGHT. Mr. President, will the Senator from Mississippi yield for a question?

Mr. STENNIS. I do not yield at this time. This is all so tragic—so little time I have to yield to any Senator—I can talk to Senators about this matter in the cloakroom, or in their offices, or in my office, but here tonight, in just a few minutes on this ending matter, I am not going to use my time to try to answer questions that way. I say again, I wish the leaders were in here—they are busy somewhere else—so that I could try to impress upon them the necessity for further time. I did not hear the unanimous consent request about the limitation. I was handling another matter then. It will take hours and hours fully to explain this matter, so that this body could intelligently pass on it. The Senator is giving an absolute figure here which, according to the interpretation, is far, far beyond what the Senator would intend to do. So in the last 10 seconds here, let me warn about the necessity that the only thing to do now is to vote this amendment down, and then take up the cudgels and the problem again and work it out some other way.

Mr. SYMINGTON. Mr. President, I am impressed with the observations of the chairman of the Armed Services Committee, his stating this amendment is not drawn properly, and so forth. I wish his interest in the subject had developed to the point where he had held just one meeting of the CIA subcommittee this year.

To show the lack of respect the executive branch has for the Senate, there was not one Senator who was approached in any way before the White House made this basic, major reorganization of our entire intelligence apparatus.

Mr. STENNIS. We will attend to that one Senator too.

Mr. SYMINGTON. As a longtime member of the Committee on Foreign Relations, as an ad hoc member of the Appropriations Committee and the ranking member of Armed Services, I respectfully plead with my colleagues to allow me to receive in executive session enough intelligence information to in turn form an intelligent judgment on matters which so vitally affect our security; and so I can vote in committee and on the floor of the Senate on the basis of the facts. There have been several cases where I have not been able to do that in the past. In my opinion, this lack of disseminated information has cost the country a great deal of treasure and a number of American lives.

Now, Mr. President, I yield 3 minutes to the Senator from California (Mr.

CRANSTON), and then 1 minute to the Senator from Arkansas (Mr. FULBRIGHT).

Mr. CRANSTON. I would like to address some questions to the distinguished chairman of the committee. The chairman stated that he never would have thought of even asking about CIA funds being used to conduct the war in Laos. I am sure I never would have thought to ask such a question. But it appeared in the press that perhaps that was happening. I would like to ask the Senator if, since then, he has inquired and now knows whether that is being done?

Mr. ELLENDER. I have not inquired. Mr. CRANSTON. You do not know, in fact?

Mr. ELLENDER. No. Mr. CRANSTON. As you are one of the five men privy to this information, in fact you are the No. 1 man of the five men who would know, then who would know what happened to this money?

The fact is, not even the five men, and you are the chief one of the five men, know the facts in the situation.

Mr. ELLENDER. Probably not. Mr. CRANSTON. The Senator stated that \$390 million has been cut. I applaud that action. Could the Senator tell me what figure in this bill is cut by \$390 million, or is there no figure that has been cut specifically?

Mr. ELLENDER. No specific figure. Mr. CRANSTON. What is the total figure appropriated—the total amount appropriated by the bill?

Mr. ELLENDER. The total of the bill as reported is \$70,242,513,000.

Mr. CRANSTON. When we run through the bill, we find that there is allocated money for pay and allowances, for individual clothing, for subsistence, for interest on deposits, for retirement pay, for travel, for operation and maintenance, for medical and dental care, for welfare and recreation, for medals and awards, for emblems and other insignia, and then an itemization for the hiring of people, and miscellaneous items such as procurement of aircraft, procurement of naval vessels, leasing of buildings, the purchase of milk, itemized figures on expenses of prisoners, figures for each of those, and so forth. Is the way these items are handled inflated, or bloated, in fact—some of them, at least—that will cover up what is in this bill for intelligence?

Mr. ELLENDER. Yes, the Senator is correct—some of it.

Mr. SYMINGTON. Mr. President, I yield 1 minute now to the Senator from Arkansas.

The PRESIDING OFFICER (Mr. TALMADGE). The Senator from Arkansas is recognized for 1 minute.

Mr. FULBRIGHT. The Senator from Mississippi, whom we all respect so greatly, I think "protesteth too much." All the amendment does is simply to put a ceiling on the overall amount which may be expended for intelligence activities. The amendment has nothing to do with secrecy. It does not in any way seek to make public any of the State secrets the Senator referred to. His comments are utterly irrelevant to the amendment, I believe. This is a simple amendment,

merely trying to put a ceiling on intelligence expenditures. It is also rather odd that the Senator from Mississippi said he does not know what is spent for intelligence, and yet the chairman of the Appropriations Committee said that we cut it \$390 million. What was the original amount from which the cut was made? The overall amount to which the Senator from Missouri (Mr. SYMINGTON) refers is the same thing the Senator from Louisiana, who knows what he is talking about and, as chairman of the committee, spoke to this body about. Yet the Senator from Mississippi says he has no idea what is spent for intelligence.

The Senator from Louisiana knows what total he is talking about when he says it was cut \$390 million. The Senator from Louisiana certainly has some figure in mind. He was not talking about sergeants going out, looking for booby traps. He had some total figure in mind. It is strange that the chairman of the Armed Services Committee has no idea what the Senator from Louisiana is talking about.

Mr. STENNIS. Will the Senator from Arkansas yield at that point?

Mr. FULBRIGHT. I do not yield to the Senator on my time. The Senator refused to yield to me. The Senator from Mississippi has tried his best to obfuscate this matter. If he is as serious about this thing as he says he is—and I think this is a serious matter, as a matter of fact, the most serious thing we have before us—I do not think it is tragic to bring it up. So why do we not have an executive session and talk about it at length?

If the Senator from Mississippi would like to have an executive session, we could talk about it all day, sometime next week, when we return after Thanksgiving.

We talk about intelligence. It is no secret from anyone that we are waging war in Laos and have been for a long time.

Mr. SYMINGTON. Mr. President, following the thought of the Senator from Arkansas, if the able chairman of Appropriations, the Senator from Louisiana (Mr. ELLENDER) and the able chairman of the Armed Services, the Senator from Mississippi (Mr. STENNIS) will agree to a secret session next week, so we could discuss this matter more thoroughly, I will withdraw my amendment tonight.

I ask the Senator from Louisiana and the Senator from Mississippi if they would agree to such a session?

Mr. ELLENDER. Answering for myself, I would like to complete this bill. If the Senator desires to talk about it after the bill is completed in executive session, that is all right with me. But I would not want it to interfere with the final passage of the bill.

Mr. SYMINGTON. Why not let the bill wait until we get more facts about the many billions of dollars involved?

Mr. ELLENDER. As I have said, we agreed on the time for the Senator to discuss the amendment. I am very anxious to complete the bill today if possible.

Mr. SYMINGTON. Mr. President, there has been much criticism of the time limitation and I see the majority whip on the floor. He would be the first to say I was anxious we not have any limita-

tion. But I did finally agree. I also agree with the Senator from Mississippi that there should not be a limitation on time. But if we want to proceed I ask unanimous consent we have another 2 hours.

Mr. GOLDWATER. I object.

The PRESIDING OFFICER. Objection is heard. Who yields time?

Mr. FULBRIGHT. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Missouri has 5 minutes remaining.

Mr. SYMINGTON. Mr. President, I say to my colleagues that I have been told in confidence different figures concerning how much money we were actually expending on national intelligence. As a result of people going into foreign lands we now know that much of what we are doing is both costly and unwise, actions we would have undertaken if we had had the right information. As the Senator from California pointed out, if we had had more information on certain important issues, we would have made different decisions.

All this amendment does is say we cannot spend more than \$4 billion on intelligence this fiscal year.

I would hope that the Senate would agree.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield.

Mr. FULBRIGHT. Mr. President, I agree with what the Senator from Mississippi said about the importance of this. He said that we cannot dispose of all of this in a few minutes. I agree.

This amendment is a very important amendment. It seems to me that when this matter was brought up before, we did have an executive session and did discuss the matter.

Today we are much more critical of the amount of money we spend than we were at the time when the program developed.

It is important that the Senate, as a whole, understands what the intelligence program is. I would think the Senate would welcome an opportunity to have this explained. It would satisfy curiosity about this matter.

One of the things that worries me most of all is that I do not see any reason why we should pass appropriations for the CIA to organize an army, pay the troops, and conduct a full-scale war in Laos. Yet people of this country think we have a democracy in which a war, if one is to be fought, has to be declared by Congress. Yet Congress did not know about the war in Laos until it was well underway.

Today, while the war is known to everyone, there still is no official acknowledgement. There is nothing in this bill to indicate how much money we will spend in support of the army in Laos. It will be many millions of dollars. I do not see how we could support an army of the size we do without that much money.

I do not see what is wrong with knowing these things. This is an operation. This is not intelligence. It is the difference between the U-2 and the affair in the Dominican Republic, and upsetting the government in Guatemala. Maybe these things are good. But no doubt Congress ought to know about them so that it can decide.

Mr. SYMINGTON. One of the great surprises of my life was to find out how much of the money in this intelligence budget actually goes to the Central Intelligence Agency. The Senator feels the situation in Laos is very wrong. We could talk about other situations.

Mr. FULBRIGHT. The Senator reminds me of something about Mr. Helms. Mr. Helms has been far better with the Congress than any other intelligence man with whom we deal. I would put him at the top. The recent reorganization looks like an effort to curb Mr. Helms in favor of the Pentagon, and this what I do not like.

Mr. SYMINGTON. I do not either, moving into the hands of the military.

Mr. MATHIAS. Mr. President, the old saying that some may apply to this amendment is that one should not stir muddy water. For the Senator from Missouri has focused our attention on water that is not only muddy, but actually murky. Many Members may be reluctant to stir this water for fear of what they may find. I think we cannot delay much longer in turning our attention in this direction for fear that what is there may evade our examination and our concern.

But I find it intolerable that we should attempt to debate and decide this question with such a complete lack of firm facts and reliable information, and with the limitation of time and freedom of expression that is necessary under existing conditions. Under the circumstances, I feel unable to support this amendment at this time. I would support, however, a motion to hold an executive session at an early date at which the whole issue could be thoroughly and thoughtfully considered.

An alternative to an executive session of the whole Senate might be a joint meeting of the Foreign Relations and Armed Services Committees under appropriate conditions that would permit adequate investigation without jeopardizing security. While proper security is a national requirement, yet the Congress must have the facts in order to resolve the issues that are embodied in the reports of a secret war in Laos and other covert activities alleged to be conducted by one or another of our intelligence agencies.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Missouri. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. HARTKE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Louisiana (Mr. LONG), and the Senator from Utah (Mr. MOSS) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Maryland (Mr. BEALL), the Senator from New Hampshire (Mr. MAINE (Mrs. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. PERCY) is detained on official business.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) and the Senator from Maine (Mrs. SMITH) would each vote "nay."

The result was announced—yeas 31, nays 56, as follows:

[No. 394 Leg.]

YEAS—31

Bayh	Hart	Nelson
Burdick	Hatfield	Pell
Byrd, W. Va.	Hughes	Proxmire
Case	Humphrey	Randolph
Chiles	Inouye	Ribicoff
Cooper	Kennedy	Stevenson
Cranston	Magnuson	Symington
Eagleton	Mansfield	Tunney
Fulbright	Metcalf	Williams
Gravel	Mondale	
Harris	Montoya	

NAYS—56

Aiken	Eastland	Miller
Allen	Ellender	Packwood
Allott	Ervin	Pastore
Anderson	Fannin	Pearson
Baker	Fong	Roth
Bellmon	Gambrell	Schweiker
Bennett	Goldwater	Scott
Bentsen	Griffin	Sparkman
Bible	Gurney	Spong
Boggs	Hansen	Stafford
Brock	Hollings	Stennis
Brooke	Hruska	Stevens
Buckley	Jackson	Taft
Byrd, Va.	Jordan, N.C.	Talmadge
Cannon	Jordan, Idaho	Thurmond
Cook	Mathias	Tower
Curtis	McClellan	Weicker
Dole	McGee	Young
Dominick	McIntyre	

NOT VOTING—13

Beall	Long	Percy
Church	McGovern	Saxbe
Cotton	Moss	Smith
Hartke	Mundt	
Javits	Muskie	

So Mr. SYMINGTON's amendment was rejected.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENTS

Mr. MANSFIELD. Mr. President, it has been a long and hard 3 weeks. I know that some Senators are getting tired. Some would like to put the bill over until tomorrow. Others—I believe a majority—would like to finish it tonight.

It is my understanding that as of now we have only one amendment in contention, and the distinguished Senator from New Hampshire (Mr. MCINTYRE) has indicated that he would be willing to agree to a limitation of 20 minutes.

I ask unanimous consent that the Senator from New Hampshire be allotted 15 minutes and that the manager of the bill be allotted 5 minutes on that amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I understand that another possibly contentious amendment will not be offered, and that there will be an amendment offered by the distinguished Senator from Nevada (Mr. CANNON) and by the